

The Gazette



of India

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NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 10th March 1960 :—

Issue No.	No. and date	Issued by	Subject
43	S.O. 579, dated the 3rd March, 1960	Ministry of Labour and Employment.	Three awards of the National Industrial Tribunal of India at Bombay regarding disputes between the workmen and the Management of the Cantonment Board, Ferozepore.
44	S. O. 580, dated the 7th March, 1960.	Ministry of Steel, Mines and Fuel.	Amendment to the selling prices of Tinplates.
45	S. O. 581, dated the 7th March, 1960.	Ministry of Information and Broadcasting.	Approval of the films to be of the description specified therein.
46	S. O. 647, dated the 10th March, 1960.	Election Commission, India.	Fixation of the hours during which the poll shall be taken at the biennial election to the Council of States in the State of West Bengal.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 8th March 1960

S.O. 651.—In pursuance of sub-section (6) of Section 116A of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the decision of the High Court of Judicature at Bombay given on the 15th December, 1959, on an appeal from the order dated the 20th August, 1959, of the Election Tribunal, Nagpur.

APPEAL NO. 803 OF 1959 FROM ORIGINAL DECREE

(UNDER THE REPRESENTATION OF PEOPLE'S ACT XLIII OF 1951)

Laxmikant Mahadeo Chakradeo (Original Petitioner)—*Appellant.*

Versus

Madhav Shrechari Aney (Original Respondent)—*Respondent.*

Appeal against the decision of J. M. Sheth, Esquire Member Election Tribunal at Nagpur in Election Petition No. 4 of 1959.

Mr. T. N. Walawalkar with Mr. V. T. Walawalkar, Advocate—for the *Appellant.*

Mr. M. R. Bobade with Mr. S. N. Khardekar and Mr. B. D. Delvi, Advocates—for the *Respondent.*

(CORAM:—*Mudholkar and Shah, J.J.*)

The 15th December 1959.

ORAL JUDGMENT

(*Per Mudholkar, J.*)

This is an appeal under Section 116-A of the Representation of Peoples Act, 1951. The appellant before us was one of four candidates for a bye-election to the Nagpur-Umrer Parliamentary Constituency, which was to be held on the 31st of January and 1st February 1959. The date of nomination fixed in respect of this election was 16th December 1958 and the date of scrutiny of the nomination papers was 23rd December 1958. The appellant's nomination paper was rejected on 23rd December 1958, upon the ground that he was disqualified by reason of the provisions of Section 7(c) of the Representation of People's Act from being chosen as a candidate for the aforesaid election. It is common ground that the appellant's disqualification was notified by the Election Commissioner on 29th August 1957.

It is necessary to mention some facts. In the year 1957 the appellant had offered himself as a candidate for election to the Madhya Pradesh Legislative Assembly as well as to Parliament from the Shahdol constituency in Madhya

Pradesh. He failed in both the elections. The result of those elections were declared on 25th March 1957. Under the rules framed under Section 169(1) of the Act, the appellant was required to submit his accounts to the Returning Officer within thirty days of the date of the declaration of the result of the election as provided for by Section 78 of the Act. That is to say, the appellant had to submit his accounts by the 24th April 1957. He, however, sent his accounts along with some vouchers by registered post on 23rd April 1957 and the letter containing the accounts and the vouchers reached the Returning Officer on 25th April, 1957. There was thus a delay of one day in submitting the accounts. It is not disputed that the appellant had not submitted the vouchers for every item of expenditure. He had sent only 84 vouchers along with the accounts and later on he sent 14 more vouchers which, according to him, could not be sent by him along with the other vouchers because they were required by the Income Tax Officer. Then on 14th December 1958 he sent five more vouchers covering 28 items, which he had retained with him because he had required them in some litigation. This he sent in all 103 vouchers. It is, however, admitted that 65 more vouchers were required to be furnished by the appellant pertaining to the payment of the price of petrol, lubricants, pay of motor-drivers, etc. These vouchers were never sent by the appellant to the Commissioner but eventually he sent a letter signed by the Secretary of the Jan Sangh at Bombay stating that they had received Rs. 3,000 from the appellant for the particular expenses to which reference was made in the accounts.

The appellant submitted a representation to the Election Commissioner for removal of his disqualification before the expiry of two months from the date on which the disqualification was notified in the Gazette. It was subsequent to this that the appellant submitted additional vouchers and also sent the letter from the Secretary, Jan Sangh. On the 21st January 1959 the Election Commissioner removed the disqualification and had a Notification published stating that the disqualification had been removed.

It is urged on behalf of the petitioner by Mr. Walavalkar that the rule requiring the furnishing of vouchers and requiring also the mention of voucher numbers in the accounts is *ultra vires* because there is no express provision in the Act which permits making of a rule of this kind. Section 77 of the Act deals with the question of accounts and election expenses. Sub-section (2) of that Section provides that the accounts shall contain such particulars as may be prescribed. "Prescribed" means, according to the definition contained in Section 2(h) of the Act, "prescribed by rules made under this Act." Section 169(1) empowers the Central Government to make rules for carrying out the purposes of the Act. Sub-section (2) of that Section provides that "In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the..... matters (enumerated in that Section)". One of such matters is "(1) any other matter required to be prescribed by this Act". As already stated Sub-section (2) of Section 77 requires that the particulars of the account shall be prescribed. Therefore, it is clear that the Central Government has power to make rules with regard to this subject even under the provisions of Sub-section (2). It has to be borne in mind that the provisions of sub-section (1) are wide and thereunder the Central Government has power to make rules for carrying out the purposes of the Act generally. That being so it is difficult to appreciate the argument of Mr. Walavalkar for the appellant that Rule 131 made in the exercise of the aforesaid rule making power which deals with the particulars of accounts of election expenses is in excess of the rule making power. We shall quote the relevant portion of this rule presently. But we would like to point out at this stage that the rules made under Section 169 are required by virtue of the provisions of Sub-section (3) thereof to be laid before both the Houses of Parliament for not less than 30 days after they are made and that the rules are subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following. From this provision it is clear that the rules are subject to scrutiny by the Parliament. That being the position they are nothing but statutory rules, and, therefore, the question, of their being in excess of the provisions of the Act cannot arise.

Rule 131(1) reads thus:—

"131(1). The account of election expenses to be kept by a candidate or his election agent under section 77 shall contain the following particulars in respect of each item of expenditure from day to day, namely:—

(a) the date on which the expenditure was incurred or authorised:

- (b) the nature of the expenditure (as for example, travelling, postage or printing and the like);
 - (c) the amount of the expenditure:
 - (i) the amount paid;
 - (ii) the amount outstanding;
 - (d) the date of payment;
 - (e) the name and address of the payee;
 - (f) the serial number of vouchers, in case of amount paid;
 - (g) the serial number of bills, if any, in case of amount outstanding;
 - (h) the name and address of the person to whom the amount outstanding is payable.
- "(2) A voucher shall be obtained for every item of expenditure unless from the nature of the case, such as postage, travel by rail and the like, it is not practicable to obtain a voucher.
- "(3) All vouchers shall be lodged along with the account of election expenses, arranged according to the date of payment and serially numbered by the candidate or by his election agent and such serial numbers shall be entered in the account under item (f) of sub-rule (1)".

It is not necessary to reproduce sub-rule (4) as it has no relevance to the present case. What Mr. Walavalkar objects to is the provision of clause (f) in sub-rule (1). He says that sub-section (2) of Section 77 only requires accounts to be maintained and does not require maintenance of vouchers at all, and, therefore, the requirement of the rule that the number of the vouchers shall be mentioned in the list against the particular item in the accounts is bad. As already stated the rule making power conferred by Section 169 upon the Central Government is very wide and the rules are in the nature of statutory rules and cannot, therefore, be challenged on the ground that they are in excess of the power conferred on the rule making authority. Apart from that however, it seems to us that a power to frame rules regarding maintenance of accounts must necessarily imply power to require something more to be done for enabling the appropriate authority to satisfy itself about the correctness of the accounts. It would, therefore, follow that a rule requiring the furnishing of vouchers would be perfectly legitimate and reasonable. If the vouchers are required to be furnished then in order to show their connections with the various items it is necessary to mention the number of the vouchers against the particular items in the accounts to which they relate. The provisions of Clause (f) of Rule 131(1) are, therefore, merely incidental to the maintenance of accounts and as such they cannot be regarded as in excess of the power to make rules prescribing the form for the maintenance of accounts.

Then Mr. Walavalkar argued that the word "shall" occurring in the last part of sub-rule (3) of rule 131 should be construed as "may" and that a candidate must be deemed to have an option to furnish the vouchers along with the accounts, and not an obligation to do so. There seems to us to be no reasons whatsoever why we should refrain from giving its grammatical meaning to the word "shall". Apart from that a rule which prescribes the mode for the maintenance of accounts cannot be deemed to create merely an option whether to keep accounts or not or to do a thing or not to do it. The statute itself has made the maintenance and furnishing of accounts obligatory. Therefore, everything that is incidental to it must also be deemed to have been made obligatory by the rules framed by the Central Government for carrying into effect the object of the Act.

Then Mr. Walavalkar contended that the Returning Officer was wrong in rejecting the nomination paper of the appellant because the omission made by the appellant in the matter of furnishing of the accounts was of a minor character. We would like to point out that the Returning Officer has very limited powers

under the Act and he is not allowed to judge for himself whether a disqualification imposed by the Election Commission was appropriate or not. Mr. Walavalkar then said that since the election can be allowed to be challenged on the ground that the nomination paper was wrongly rejected the Election Tribunal would have the right to consider whether the disqualification was properly entered or not. In our opinion, the Election Tribunal has no power whatsoever to do something which was not within the competence of the Returning Officer to do. If it was not open to the Returning Officer to go behind the order of the Election Commission, it is equally beyond the competence of the Election Tribunal to go behind the decision of the Election Commission. Mr. Walavalkar, however, referred to a decision of the Supreme Court in A.I.R. 1959 S.C. 422—*N. T. Veluswami Thevar. vs. Raja Nainar*. That case is distinguishable on the ground that the Returning Officer had not to consider whether a disqualification imposed by the Election Commission was properly incurred or not.

Mr. Walavalkar then contended that there was an inordinate delay on the part of the Election Commission in removing the disqualification and, therefore, he was entitled to obtain some relief to at the hands of the Tribunal. It is difficult to understand as to what possible relief the Election Tribunal could give to a person whose disqualification is not removed within time. The Election Commission is the only authority to decide on the question of removal of a disqualification of the kind contemplated by section 7(c) of the Act. While it is expected to act within a reasonable time, it does not appear that the Constitution or the Act contemplates superintendence over the functioning of the Commission by anybody. Indeed, there does not appear to be any kind of control or supervision over any decision of the Election Commission in a matter of this kind. That being so we are clear that the appellant's grievance, however legitimate and justified it may be, could not have been redressed by the Election Tribunal and cannot be redressed by us.

Then Mr. Walavalkar argued with considerable vehemence that the disqualification of the appellant having been removed before the date of polling it must relate back to the date of the nomination and that on this ground the respondent's election must be set aside. It is sufficient to say that no provisions of the Act or the Rule have been brought to our notice which give retrospective operation to the order of the Election Commission removing a disqualification. All that the Returning Officer had to ascertain on the date of scrutiny was whether on the date of the nomination any of the candidates had incurred a disqualification or was subject to a disqualification. If he found that a candidate had incurred or was subject to a disqualification then it was his duty to reject his nomination paper. The subsequent removal or the subsequent ceasing of a disqualification will not validate a nomination which was bad when it was made. We, therefore, do not think that there is any substance whatsoever in this argument of Mr. Walavalkar.

Mr. Walavalkar then said that since the appellant had made a representation to the Election Commission for the removal of the disqualification within the time allowed to him under the law, the disqualification should be deemed to have been suspended or kept in abeyance till the decision of the Election Commission on his representation. The only provisions of the Act on which he placed reliance in support of his contention are those of Clauses (a) and (b) of Sub-section (1) of Section 8. They read thus:—

“8. (1) Notwithstanding anything contained in section 7-(a) a disqualification under clause (a) or clause (b) of that section shall not, in the case of a person who becomes so disqualified by virtue of a conviction or a conviction and a sentence and is at the date of the disqualification a member of Parliament or of the Legislature of a State, take effect until three months have elapsed from the date of such disqualification, or if within these three months an appeal or petition for revision is brought in respect of the conviction or the sentence, until that appeal or petition is disposed of;

(b) a disqualification under clause (c) of that section, shall not take effect until the expiration of two months from the date on which the Election Commission has decided that the account of election expenses

has not been lodged within the time and in the manner required by or under this Act;".

The part of the provision which is relevant to the present case in Clause (b) which says that a disqualification which is incurred under Clause (c) of Section 7 is not to take effect till the expiry of two months from the date on which the Election Commission has decided that a candidate has not lodged his accounts within the time prescribed by law. There is nothing in this clause which shows that the disqualification will remain inoperative till the decision on the representation made by the Tribunal concerned. Mr. Walavalkar, however, said that we should read the concluding part of the provisions of Clause (a) of Sub-section (1) with clause (b). Now, that clause (a) deals with is a disqualification incurred by a person by virtue of a sentence and a conviction passed on him, and this clause provides that such a disqualification was not to take effect until three months had elapsed from the date of such disqualification, or if within these three months an appeal, or petition for revision has been preferred against the conviction or the sentence till the decision of the appeal or the revision application. Mr. Walavalkar wants us to read in Clause (b) the provisions of clause (a), which say what is to be done, where an appeal or a petition for revision has been preferred. We do not see any reason whatsoever why we should do so because the Legislature has clearly limited these provisions to disqualifications arising by reason of a conviction of a person for any offence. Apart from that even if we read this provision in clause (b) there is this further difficulty that there is no provision in the Act for preferring an appeal or a revision application against the decision of an Election Commission regarding the disqualification of a candidate by reason of his failure to furnish particulars within the time and in the manner permitted by law. The only remedy which the law gives is by way of representation to the Commission itself and that is dealt with in a different part of the Act. We, therefore, have no doubt whatsoever that the aforesaid contention raised on behalf of the appellant is wholly untenable.

No other point was urged before us. We, therefore, dismiss this appeal with costs. The appellant will pay the respondent Rs. 400 by way of costs. The amount should come out of the security.

The 4th February, 1960.

By order of the Court,

(Sd.) U. S. HATTANGADI,

Dy. Registrar.

[No. 82/4/59.]

By Order,

C. B. LAL, Under Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 11th March, 1960

S.O. 652.—In pursuance of clause (1) of article 239 of the Constitution of India and in supersession of the notifications of the Government of India in the Ministry of Irrigation & Power, No. EL-II-12(17), dated the 16th November, 1953, and in the Ministry of Home Affairs No. 70/53/51-A.N., dated the 19th December, 1953, the President hereby directs that the Lieutenant Governor of Himachal Pradesh and the Chief Commissioners of Manipur, Tripura and the Andaman & Nicobar Islands

shall discharge, within their respective territories, all the functions of the State Government under the Indian Electricity Act, 1910 (9 of 1910) and the Rules made thereunder, except under the following provisions, namely:—

Sections 13, 18, 34, 36 and 55 of the said Act; Clause XIII of the Schedule to the said Act; and Rules 6, 133 and 134 of the said Rules.

[No. F.2/2/60-JUDL.II.]

K. R. PRABHU, Dy. Secy.

MINISTRY OF FINANCE

(Department of Expenditure)

New Delhi, the 5th March, 1960

S.O. 653.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution, the President, after consultation with the Comptroller & Auditor General of India in relation to persons serving in the Indian Audit and Accounts Department, hereby makes the following further amendment in the Fundamental Rules, namely:—

In rule 45-C of the said Rules, after note 2, the following shall be inserted, namely:—

“NOTE 3.—The amount of pension to be taken into account will be the amount originally sanctioned *i.e.* before commutation, if any, and will also include the pension equivalent of death-*cum*-retirement gratuity and other forms of retirement benefits, if any *e.g.* Government's contribution to a Contributory Provident Fund, commuted value of pension etc.”

[No. 8(II)-Estates/59.]

G. S. BHASIN, Under Secy.

(Department of Economic Affairs)

New Delhi, the 11th March 1960

S.O. 654.—Statement of the Affairs of the Reserve Bank of India, as on the 4th March, 1960.

BANKING DEPARTMENT

Liabilities	Rs.	Assets	Rs.
Capital paid up	5,00,00,000	Notes	21,41,91,000
Reserve Fund	80,00,00,000	Rupae Coin	1,51,000
National Agricultural Credit (Long-term Operations) Fund	30,00,00,000	Subsidiary Coin	5,30,000
National Agricultural Credit (Stabilisation) Fund	4,00,00,000	Bills Purchased and Discounted :—	
Deposits:—		(a) Internal . . . . .	..
(a) Government		(b) External . . . . .	..
(1) Central Government	50,36,79,000	(c) Government Treasury Bills	4,78,53,000
(2) Other Governments	34,26,90,000	Balances held abroad*	33,72,57,000
(b) Banks	81,91,75,000	Loans and Advances to Governments**	27,77,48,000
(c) Others	94,49,41,000	Other Loans and Advances†	126,52,41,000
Bills Payable	13,97,09,000	Investments	207,16,99,000
Other Liabilities	41,30,57,000	Other Assets	13,85,81,000
TOTAL .	435,32,51,000	TOTAL .	435,32,51,000

*Includes Cash & Short term Securities.

**Includes Temporary Overdrafts to State Governments.

†The Item 'Other Loans and Advances' includes Rs. 6,70,20,000/- advanced to scheduled banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

Dated the 9th day of March, 1960.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 4th day of March 1960.

ISSUE DEPARTMENT

Liabilities	Rs.	Rs.	Assets	Rs.	Rs.
Notes held in the Banking Department . . .	21,41,91,000		A. Gold Coin and Bullion :		
Notes in circulation . . .	1820,90,73,000		(a) Held in India . . .	117,76,03,000	
Total Notes issued . . .		1842,32,64,000	(b) Held outside India . . .	..
			Foreign Securities . . .	163,00,89,000	
			TOTAL OF A . . .		280,76,92,000
			B. Rupee Coin . . .		124,41,60,000
			Government of India Rupee Securities . . .		1437,14,12,000
			Internal Bills of Exchange and other commercial paper . . .		..
TOTAL LIABILITIES . . .		1842,32,64,000	TOTAL ASSETS . . .		1842,32,64,000

Dated the 9th day of March, 1960.

H. V. R. IENGAR,
Governor.

[No. F. 3(2)-BC/60.]

A. BAKSI, Jt. Secy.

RESERVE BANK OF INDIA

Central

New Delhi, the 1st March 1960.

S.O. 655.—The following list of Government Securities etc. in the custody of the Reserve Bank of India, New Delhi as on the 31st December, 1959 deposited under paragraphs 101 and 108 of the Government Securities Manual (3rd Edition) is published for the information of officers concerned. Any discrepancy in the list should be brought to the notice promptly.

A.—Index to list of Government Securities etc. deposited under paragraph 10 of the Government Securities Manual

	Item No.
DELHI/NEW DELHI	
Central Board of Irrigation & Power, Curzon Road, New Delhi	24
Controller of Central Radio Stores Depot, New Delhi	22
Chief Commissioner, Delhi.	16
Deputy Commissioner, Delhi.	30
District & Sessions Judge, Delhi.	29
District Judge, Delhi.	18
Director, Indian Council of Medical Research, New Delhi.	1—3
Director General, All India Radio, New Delhi.	17
Director General of Archaeology in India, New Delhi.	11
Executive Engineer, C-Division, C.P.W.D., New Delhi.	19
Financial Adviser & Chief Accounts Officer, Northern Rly., New Delhi.	25—26
Honorary Treasurer, All India Women's Education Fund Assn., New Delhi.	5
Land Development Officer, New Delhi.	9
Officer Commanding, HQ-1 Armed Division, Engineers, New Delhi.	20
Officer Commanding, 39 ASLT. Fd. Pk. Coy-C/o 56 A.P.O. New Delhi.	21
Manager, Government of India Press, New Delhi.	6
Pay & Accounts Officer, Ministry of Food & Agriculture, New Delhi.	32—54
Pay & Accounts Officer, Ministry of Works, Housing & Supply, New Delhi.	13
Secretary to the Govt. of India, Ministry of Defence, New Delhi.	7
Treasurer of Charitable Endowments for India, New Delhi.	14
Under Secretary to the Govt. of India, Ministry of Home Affairs, New Delhi.	23
Secretary, Ministry of Railways, Govt. of India, Railway Board, New Delhi.	4
Under Secretary to the Govt. of India, Partition Secretariat, New Delhi.	10
Vice President & Additional Secretary, Indian Council of Agriculture Research, New Delhi.	12
GORAKHPUR	
F. A. & Chief Accounts Officer, N.E. Railway, Gorakhpur.	27—28
KASAUJI	
President, Pasteur Institute & Secretary Government of India, Deptt. of Education Health & Lands, Kasauli.	8
MEERUT	
Joint Controller of Defence Accounts, Meerut.	15
SIMLA	
The Excise & Taxation Officer, Himachal Pradesh, Himachal Dham, Simla.	31

B.—Index to list of Government Securities, etc. deposited under paragraph 108 of the Government Securities Manual

Item No.

SOLAN

The Secretary, Municipal Committee, Solan. 29

DELHI/NEW DELHI

Chief Administrative Officer, Govt. of India, Ministry of Defence New Delhi. 6

The Chief Chemist, Central Revenues, Control Laboratory, Govt. of India, Agriculture Research Institute, New Delhi. 10

Chief Ordnance Officer, Ordnance Depot, Shakurbasti, Delhi. 14

The Chief Ordnance Officer, Vehicles Depot, Delhi Cantt. 24

Commandant, Central Ordnance Depot, Delhi Cantt. 13

Commanding Officer, Air Force Station, New Delhi. 23

The Controller of Central Radio Stores Depot, New Delhi. 28

Currency Officer, Reserve Bank of India, Issue Deptt., New Delhi. 7

Deputy Commissioner & Chairman, Distt. Soldiers, Seamen's & Airmen's Board, Delhi. 3

Director, Malaria Institute of India, Delhi. 9

Director General of Supplies & Disposals, New Delhi. 8

Director of Administration Govt. of India, Ministry of Food & Agriculture, (Deptt. of Agriculture) New Delhi. 16

Directorate of Sugar & Vanaspati, Ministry of Food & Agriculture New Delhi. 12

Executive Engineer, C-Division, C.P.W.D., New Delhi. 2

General Manager, Govt. of India Press, New Delhi. 11

Housing Commissioner, Ministry of Works, Housing & Supply, New Delhi. 20

Joint Development Commissioner, Ministry of Commerce & Industry, Small Industries Service Institute, New Delhi. 22

Officer Commanding, H.I., Arm Division Engineers, New Delhi. 26

Officer Commanding 39, Aslt Fd. Pk. Coy, C/o 56 A.P.O., New Delhi. 27

Pay & Accounts Officer, Ministry of Food & Agriculture, New Delhi. 15

President of India C/o Secretary to Govt. of India, Home Affairs, New Delhi. 4

Secretary to Govt. of India, Ministry of Home Affairs, New Delhi. 5

Secretary, Relief & Rehabilitation to Delhi State Govt., Delhi. 1

Treasurer of Charitable Endowments for India, New Delhi. 25

Under Secretary to the Govt. of India, Ministry of Transport & Communication (Communication Deptt.) New Delhi. 17

Under Secretary to the Govt. of India, Ministry of Rehabilitation, New Delhi. 18

Under Secretary to Government of India, Ministry of Transport & Communication (Deptt. of Transport), New Delhi. 19

Under Secretary to the Govt. of India, Ministry of Works, Housing & Supply, New Delhi. 21

List of Government Securities in the Custody of Reserve Bank of India New Delhi on the 31st December, 1959 deposited in terms of Rules 12(4)(b)(ii)(i) of the Public Debt Office Rules 1964.

Administrator			2½% 1961	3½% N.P. Bonds 1961	3½% 1962	3½% N.P. Loan 1964	3½% N.P. Bonds 1967	3% C.L. 1946	3½% 10 Yrs. T.S. D. Certs.	4% T.S. D. Cert.	4% U.P. 1967	Total
Public Reserve Bank Delhi	Debt Bank of India, . . .	Office New Delhi	500	4,900	1,100	2,500	200	200	1,000	1,500	1,200	13,100

List of Government Securities in the Custody of Reserve Bank of India, New Delhi on the 31st December, 1959 deposited in Terms of Rule 12(6)(b)(ii) of Public Debt Rules 1946

Administrator	Depositor	3½% N.P.L. 1964	4% 1960-70	3½% 1974	2½% 1976	4% U.P. 1967	3½% Ten years T.S.D. C.	Total
Public Debt Office, New Delhi	1. Shri Jagmohan . . .	..	..	..	200	..	..	200
	2. Shri Murari Lal . . .	300	..	..	..	..	..	300
	3. Shri Ranjit Lal . . .	..	100	..	..	..	..	100
	4. Shri Balram . . .	..	..	..	..	500	..	500
	5. Ajmer State Co-operative Bank Ltd., Ajmer . . .	..	..	100	..	..	..	100
	4. Shri Shyam Sunder Lal Dar	..	..	..	..	..	50,000	50,000

RESERVE BANK OF INDIA,
SECURITIES DEPARTMENT,
NEW DELHI.

CENTRAL

Securities held by the Reserve Bank of India, New Delhi on the 31st December, 1959 deposited under Para. 101 of the Government Securities Manual (3rd Edition)

SL No.	Administrators	Depositor	3½% N.P. B. 1961	3½% Bonds 1969	4% Loan 1979	2½% 1962	3% 1963-65	3½% N.P. B. 1965	3½% N.P. B. 1967
Account :									
1	Director, Indian Council of Medical Research, New Delhi.	..	..	..	..	..	..	..	..
2	Do.	Parlakimedi Trust Fund	..	..	..	..	..	..	..
3	Do.	Lt. Col. Amin Chand Trust Fund.	..	..	..	..	..	..	..
4	Secretary, Ministry of Railways, Govt. of India, Railway Board, New Delhi.	M/s. Dina Nath Sheo Pershad (Contractor).	..	..	..	..	..	..	..
5	Honorary Treasurer, All India Women's Education Fund Association, New Delhi.	All India Women's Education Fund Association.	..	..	..	..	..	..	..
6	Manager, Govt. of India Press, New Delhi.	Shri Kishan Sarup Saxena, Cashier.	..	..	..	..	..	..	..
7	Secretary to Govt. of India, Ministry of Defence, New Delhi.	40th Cavalry Regiment Scholarship Fund.	..	..	..	..	..	..	..
8	President, Pasteur Institute & Secretary, Govt. of India Deptt. of Education, Health & Land, Kasauli.	Pasteur Institute . . .	..	..	..	..	..	..	..
9	Land Development Officer, New Delhi.	Annual Rent of Shri Sanatan Dharam Sabha Lakshmi Narain Temple Trust and Buddhist Temple.	..	..	..	..	..	..	..
10	The Under Secretary, Govt. of India, Partition Secretariat, New Delhi.	..	..	..	..	..	..	..	..

CENTRAL

Securities held by the Reserve Bank of India, New Delhi, on the 31st December, 1959 deposited under Para. 101 of the Government Securities Manual (3rd Edition)

Sl. No.	Administrators	Depositor	4% 1960-70	3% 1970-75	2½% 1976	3% Con. 1946	4% Madras 1968	Total
		Account :						
1	Director, Indian Council of Medical Research, New Delhi.	..	..	₹ 1,48,200	..	15,25,400	..	16,73,600
2	Do.	Parlakimedi Trust Fund	..	..	..	1,61,400	..	1,61,400
3	Do.	Lt. Col. Amir Chand Trust Fund	..	..	..	26,400	..	26,400
4	Secretary, Ministry of Railways, Govt. of India, Railway Board, New Delhi.	M/s. Dina Nath Sheo Pershad (Contractor).]	..	..	..	..	..	..
5	Honorary Treasurer, All India Womens' Education Fund Association, New Delhi.	All Indian Women's Education Fund Association.	..	..	..	2,32,900	..	2,32,900
6	Manager, Govt. of India Press, New Delhi.	Shri Kishan Sarup Saxena, Cashier	..	..	..	..	..	..
7	Secretary to Govt. of India, Ministry of Defence, New Delhi.	40th Cavalry Regiment Scholarship Fund.	..	16,900	..	4,300	..	21,200
8	President, Pasteur Institute Secretary, Govt. of India, Deptt. of Education, Health & Land, Kasauli.	Pasteur Institute . . .	₹ 61,900	..	..	66,900	..	₹ 1,28,800
9	Land Development Officer, New Delhi.	Annual Rent of Shri Sanatan Dharam Sabha Lakshmi Narain Temple Trust & Buddhist Temple.	..	..	..	11,300	..	₹ 11,300
10	The Under-Secretary, Govt. of India, Partition Secretariat, New Delhi.	..	..	..	..	..	..	..

11	Director Genl. of Archaeology in India, New Delhi.	Registrar, University of Calcutta.	..	..	..	2,000	..	2,000
12	Vice President & Additional Secretary, Indian Council of Agricultural Research, New Delhi.	Indian Council of Agricultural Research.	..	63,09,400	..	..	..	1,04,20,300
13	Pay & Accounts Officer, Ministry of W.H. & S., New Delhi.	M/s. Meckanzie Lyall & Co., Calcutta.	..	..	1,600	25,000	..	26,600
14	Treasurer of Charitable Endowments for India, New Delhi.	..	..	..	..	..	..	..
15	Joint Controller of Defence Accounts, Meerut.	Contractors	..	..	..	1,22,800	..	1,22,800
16	Chief Commissioner, Delhi	Itmauddaula Endowment Fund	..	..	..	1,90,500	..	1,90,500
17	Director General, A.I.R., New Delhi.	..	..	..	..	5,000	3,000	8,000
18	Distt. Judge, Delhi	..	..	..	..	..	..	64,600
19	Executive Engineer, C.P.W.D., 'C' Division, New Delhi.	..	..	..	..	..	..	..
20	Officer Commanding, HQ 1 Arm Div. Engineers, New Delhi.	CRE 1st Indian Armed Division General Fund.	..	..	..	..	..	..
21	Officer Commanding, 39 ASist. Fd. P.K. Co., C/o 56, A.P.O., New Delhi.	..	..	..	..	..	..	..
22	Controller of Central Radio Stores Depot, New Delhi.	..	..	..	..	..	..	..
23	Under Secretary to the Govt. of India, Ministry of Home Affairs, New Delhi.	..	..	..	..	6,17,700	..	6,17,700
24	Central Board of Irrigation & Power, Curzon Road, New Delhi.	..	..	..	..	..	..	2,00,000

Sl. No.	Administrator	Depositor	2½% 1960	3½% N.P.B. 1961	3½% Bonds 1969	2½% 1961	2½% 1962	3½% Bonds 1962
25	Financial Adviser and Chief A/cs. Officer, Northern Railway, New Delhi.	Account : Contractors . . .	1,000	19,600	..	1,500	1,100	..
26	Do.	Government Servants . . .	..	..	..	..	..	..
27	Do., N.E. Railway, Gorakhpur .	Contractors . . . . .	..	600	13,300	30,000	..	700
28	Do.	Government Servants . . .	..	..	..	..	..	..
29	District and Sessions Judge, Delhi	Sis Ganj Gurdwara . . .	..	..	..	..	..	..
30	Deputy Commissioner, Delhi .	Mirza Latafat Hussain Tehsil Bailiff.	..	..	..	..	..	..
31	Excise and Taxation Officer, Himachal Pradesh, Simla.	M/s. Dyer Meakin Breweries Ltd.	..	..	..	..	..	..
32	Pay & Accounts Officer, Ministry of Food and Agriculture, New Delhi.	M/s. Parry & Co. Ltd. . . .	..	..	..	..	..	..
33	Do.	Wallace Flour Mills Co. Ltd., Bombay.	..	..	..	..	..	..
34	Do.	M/s. Wal Chand Nagar Industries Ltd.	..	..	..	..	..	..
35	Do.	M/s. Venkateshwar Flour Mills, Lucknow.	..	..	..	..	..	..
36	Do.	Ram Lal Harbans Lal, Jullundur.	..	..	..	10,000	..	..
37	Do.	M/s. Indian Vegetable Products Ltd., Bombay.	..	..	20,000	..	..	..

38	Do.	.	.	.	R. B. L. Banarsi Das & Co. Ltd., Ambala Cantt.	..	..	..	..	..	..
39	Do.	.	.	.	Salig Ram Nathani, Raipur	..	..	..	..	..	..
40	Do.	.	.	.	Manmal Uttam Chand	..	..	..	..	..	..
41	Do.	.	.	.	M/s. B. C. Pal & Co., Calcutta.	..	..	..	..	..	..
42	Do.	.	.	.	D. & P. Products Ltd., Bombay.	..	..	..	..	..	..
43	Do.	.	.	.	M/s. Hari Chand Madan Gopal	..	..	..	10,000	..	..
44	Do.	.	.	.	R. B. Jesaram Fatehchand	..	..	..	..	..	..
45	Do.	.	.	.	Amrit Vanaspati & Co. Ltd.	..	..	..	..	..	..
46	Do.	.	.	.	M/s. R. Sen & Co., Calcutta	..	..	..	..	..	..
47	Do.	.	.	.	M/s. Delhi Cloth & General Mills Co. Ltd., Delhi.	..	..	..	..	..	..
48	Do.	.	.	.	Ghosal Banerjee & Co. Calcutta	..	..	..	..	..	..
49	Do.	.	.	.	Shri Srinivas Rao Raghoji Gul- barga.	..	..	..	..	..	..
50	Do.	.	.	.	Smt. Saradambal, Madras	..	..	..	..	..	..
51	Do.	.	.	.	M/s. Kirorimal Ramchand Bi- chhoria, Kosi Kalan (Mathura).	..	..	..	..	..	..
52	Do.	.	.	.	M/s. Orphan Tea Co., Calcutta	..	..	..	..	..	..
53	Do.	.	.	.	M/s. G. G. Fruit Preserving Factory, Agra.	..	..	..	..	..	..
54	Do.	.	.	.	M/s. J. L. Relan & Co., New Delhi.	..	..	..	..	..	..

Sl. No.	Administrator	Depositor	3% 1964	3½% N.P.L. 1964	3½% N.P.B. 1965	3% 1963- 65	3% 1966- 68	4% 1960- 70
25	Financial Adviser & Officer, Northern Delhi.	Chief A/cs. Account : Contractors . . .	70,500	9,600	13,900	1,95,000	2,100	379,000
26	Do.	Do. . . Government Servants . . .	..	..	..	..	..	..
27	Do.	N.E. Railway, Gorakhpur . Contractors . . .	3,100	24,600	3,100	9,300	31,500	32,400
28	Do.	Do. . . Government Servants . . .	..	..	..	..	..	200
29	District & Sessions Judge, Delhi	Sis Ganj Gurdwara . . .	..	..	..	..	..	..
30	Deputy Commissioner, Delhi	Mirza Latafat Hussain Tehsil Bailiff.	..	..	..	..	..	..
31	Excise & Taxation Officer, Himachal Pradesh, Simla.	M/s. Dyer Meakin Brewries Ltd.	..	..	..	2,000	..	..
32	Pay & Accounts Officer, Ministry of Food and Agriculture, New Delhi.	M/s. Parry & Co. Ltd. .	..	..	..	..	..	..
33	Do.	Do. . . Wallace Flour Mills Co. Ltd., Bombay.	..	..	1,01,400	..	..	..
34	Do.	Do. . . M/s. Wal Chand Nagar Industries Ltd.	..	..	..	..	..	..
35	Do.	Do. . . M/s. Venkateshwar Flour Mills, Lucknow.	..	..	..	..	..	..
36	Do.	Do. . . Ram Lal Harbans Lal, Jullundur.	..	..	..	..	..	..
37	Do.	Do. . . M/s. Indian Vegetable Products Ltd., Bombay.	..	..	..	..	..	..

38	Do.	.	.	.	R. B. L. Banarsi Das & Co. Ltd., Ambala Cantt.	..	..	..	..	..	..
39	Do.	.	.	.	Salig Ram Nathani, Raipur	..	..	..	..	..	..
40	Do.	.	.	.	Manmal Uttam Chand	..	..	..	..	..	..
41	Do.	.	.	.	M/s. B. C. Pal & Co., Calcutta.	..	..	..	..	..	5,300
42	Do.	.	.	.	D. & P. Products Ltd., Bombay.	..	..	5,000	..	..	..
43	Do.	.	.	.	M/s. Hari Chand Madan Gopal	..	..	..	..	..	..
44	Do.	.	.	.	R.B. Jesaram Fatehchand	..	10,000	..	..	..	..
45	Do.	.	.	.	Amrit Vanaspati & Co. Ltd.	..	..	..	..	..	..
46	Do.	.	.	.	M/s. R. Sen & Co., Calcutta	..	..	..	31,000	..	..
47	Do.	.	.	.	M/s. Delhi Cloth & General Mills Co. Ltd., Delhi.	..	..	..	..	..	..
48	Do.	.	.	.	Ghosal Banerjee & Co., Calcutta	..	5,400	..	..	..	..
49	Do.	.	.	.	Shri Srinivas Rao Raghoji Gulbarga.	..	600	..	..	..	..
50	Do.	.	.	.	Smt. Saradambal, Madras	..	10,800	..	..	..	..
51	Do.	.	.	.	M/s. Kirorimal Ramchand Bi- chhorla, Kosi Kalan (Mathura).	..	..	..	..	..	..
52	Do.	.	.	.	M/s. Orphan Tea Co., Calcutta	..	..	..	..	..	..
53	Do.	.	.	.	M/s. G. G. Fruit Preserving Factory, Agra.	..	..	..	..	..	5,000
54	Do.	.	.	.	M/s. J. L. Relan & Co., New Delhi.	..	..	..	..	..	..

Sl. No.	Administrator	Depositor	4% 1972	3% 1970-75	3½% 1974	3% Con. 1946	3% 1896-97	3% M.P. 1964
		Account :						
25	Financial Adviser & Chief A/cs. Officer, Northern Railway, New Delhi.	Contractors	2,400	63,900	1,000	304,200	1,900	20,000
26	Do. Do. . . .	Government Servants . . . .	..	..	..	..	..	..
27	Do. N.E. Railway, Gorakhpur .	Contractors . . . .	..	19,300	600	142,400	2,000	..
28	Do. Do. . . .	Government Servants . . . .	..	..	..	1,000	4,900	..
29	District & Sessions Judge, Delhi .	Sis Ganj Gurdwara . . . .	..	..	..	33,300	..	..
30	Deputy Commissioner, Delhi .	Mirza Latafat Hussain Tehsil Bailiff.	..	..	..	..	100	..
31	Excise & Taxation Officer, Himachal Pradesh, Simla.	M/s. Dyer Meakin Brewries Ltd.	..	..	..	..	..	..
32	Pay & Accounts Officer, Ministry of Food and Agriculture, New Delhi.	M/s. Parry & Co. Ltd. .	..	5,900	..	10,000	..	..
33	Do.	Wallace Flour Mills Co. Ltd., Bombay.	..	..	..	..	..	..
34	Do.	M/s. Wal Chand Nagar Industries, Ltd.	..	..	..	20,000	..	..
35	Do.	M/s. Venkateshwar Flour Mills, Lucknow.	..	..	..	50,000	..	..
36	Do.	Ram Lal Harbans Lal, Jullundur.	..	50,000	..	..	..	..
37	Do.	M/s. Indian Vegetable Products Ltd., Bombay.	..	..	..	..	..	..

38	Do.	.	.	.	R. B. L. Banarsi Das & Co. Ltd., Ambala Cantt.	..	..	..	25,000	..	..
39	Do.	.	.	.	Salig Ram Narhani, Raipur	..	..	..	..	..	..
40	Do.	.	.	.	Manmal Uttam Chand	..	..	..	25,000	..	..
41	Do.	.	.	.	M/s. B. C. Pal & Co., Calcutta.	..	..	..	..	..	..
42	Do.	.	.	.	D. & P. Products, Ltd., Bombay.	..	..	..	..	..	..
43	Do.	.	.	.	M/s. Hari Chand Madan Gopal	..	..	..	..	..	..
44	Do.	.	.	.	R. B. Jesaram Fatehchand	..	..	..	..	..	..
45	Do.	.	.	.	Amrit Vanaspati & Co. Ltd.	..	..	..	..	..	..
46	Do.	.	.	.	M/s. R. Sen & Co., Calcutta	..	..	..	26,500	..	..
47	Do.	.	.	.	M/s. Delhi Cloth & General Mills Co. Ltd., Delhi.	..	..	..	30,000	..	..
48	Do.	.	.	.	Ghosal Banerjee & Co., Calcutta	..	..	..	..	..	..
49	Do.	.	.	.	Shri Srinivas Rao Raghoji Gulbrga	..	..	..	..	..	..
50	Do.	.	.	.	Smt. Saradambal, Madras	..	..	..	..	..	..
51	Do.	.	.	.	M/s. Kirorimal Ramchand Bi- chhoria, Kosi Kalan (Mathura)	..	..	..	..	..	..
52	Do.	.	.	.	M/s. Orphan Tea Co., Calcutta	..	1,25,000	..	..	..	..
53	Do.	.	.	.	M/s. G. G. Fruit Preserving Factory, Agra.	..	..	..	..	..	..
54	Do.	.	.	.	M/s. J. L. Relan & Co., New Delhi.	..	..	..	..	..	..

Sl. No.	Administrator	Depositor	4% M. P. 1967	4% M.P. 1968	3½% By 1962	4% By 1963	4% Mysore St.Dev. 1963	4% By 1964
25	Financial Adviser & Chief A/cs. Officer, Northern Railway, New Delhi.	Account : Contractors	.	..	..	500	..	1,25,000
26	Do. Do. . .	Government Servants]	.	..	..	..	..	10,000
27	Do. N.E. Railway, Gorakhpur	Contractors . . .	..	..	..	25,000	..	600
28	Do. Do. . .	Government Servants	.	..	..	..	..	..
29	District & Sessions, Judge, Delhi	Sis Ganj Gurdwara	.	..	..	..	..	..
30	Deputy Commissioner, Delhi	Mirza Latafat Hussain Tehsil, Bailiff.	..	..	..	..	..	..
31	Excise & Taxation Officer, Himachal Pradesh, Simla.	M/s. Dyer Meakin Brewries Ltd.	..	..	..	..	..	..
32	Pay & Accounts Officer, Ministry of Food & Agriculture, New Delhi.	M/s. Parry & Co. Ltd.	.	..	..	..	..	..
33	Do. . . .	Wallace Flour Mills Co. Ltd., Bombay.	..	..	..	..	..	..
34	Do. . . .	M/s. Wal Chand Nagar Industries Ltd.	..	..	..	..	..	..
35	Do. . . .	M/s. Venkateshwar Flour Mills, Lucknow.	..	..	..	..	..	..
36	Do. . . .	Ram Lal Harbans Lal, Jullundur.	..	..	..	..	..	..
37	Do. . . .	M/s. Indian Vegetable Products, Ltd., Bombay.	..	..	..	..	..	..

38	Do.	.	.	.	R. B. L. Banarsi Das & Co. Ltd., Ambala Cantt.	..	..	..	..	..	..
39	Do.	.	.	.	Salig Ram Nathani, Raipur	6,000	5,000	..	..	..	..
40	Do.	.	.	.	Manmal Uttam Chand	..	..	..	..	..	..
41	Do.	.	.	.	M/s. B. C. Pal & Co., Calcutta.	..	..	..	..	..	..
42	Do.	.	.	.	D. & P. Products Ltd., Bombay	..	..	..	..	..	..
43	Do.	.	.	.	M/s. Hari Chand Madan Gopal	..	..	..	..	..	..
44	Do.	.	.	.	R. B. Jesaram Fatehchand	..	..	..	..	..	..
45	Do.	.	.	.	Amrit Vanaspati & Co. Ltd.	..	..	..	..	..	—
46	Do.	.	.	.	M/s. R. Sen & Co., Calcutta	..	..	..	..	..	..
47	Do.	.	.	.	M/s. Delhi Cloth & General Mills Co. Ltd., Delhi.	..	..	..	..	..	..
48	Do.	.	.	.	Ghosal Banerjee & Co., Calcutta	..	..	..	..	..	..
49	Do.	.	.	.	Shri Srinivas Rao Raghoji Gulbarga	..	..	..	..	..	..
50	Do.	.	.	.	Smt. Saradambal, Madras	..	..	..	..	..	..
51	Do.	.	.	.	M/s. Kirorimal Ramchand Bi- chhorla, Kosi Kalan (Mathura)	..	..	..	..	..	..
52	Do.	.	.	.	M/s. Orphan Tea Co., Calcutta	..	..	..	..	..	..
53	Do.	.	.	.	M/s. G. G. Fruit Preserving Factory, Agra.	..	..	..	..	..	..
54	Do.	.	.	.	M/s. J. L. Relan & Co., New Delhi.	..	..	..	..	..	..

38	Do.	.	.	.	R. B. L. Banarai Das & Co. Ltd., Ambala Cantt.	..	..	..	..	..	..	25,000
39	Do.	.	.	.	Salig Ram Nathani, Raipur	..	..	..	..	..	..	11,000
40	Do.	.	.	.	Manmal Uttam Chand	..	..	..	..	..	..	25,000
41	Do.	.	.	.	M/s. B. C. Pal & Co., Calcutta.	..	..	..	..	..	..	5,300
42	Do.	.	.	.	D. & P. Products Ltd., Bombay.	..	..	..	..	..	..	5,000
43	Do.	.	.	.	M/s. Hari Chand Madan Gopal	..	..	..	..	..	..	10,000
44	Do.	.	.	.	R. B. Jesaram Fatehchand	..	..	..	..	..	..	10,000
45	Do.	.	.	.	Amrit Vanaspati & Co. Ltd.	..	..	..	..	5,300	..	5,300
46	Do.	.	.	.	M/s. R. Sen & Co., Calcutta	..	..	..	..	..	..	57,500
47	Do.	.	.	.	M/s. Delhi Cloth & General Mills Co. Ltd., Delhi.	..	..	..	..	..	..	30,000
48	Do.	.	.	.	Ghosal Banerjee & Co., Calcutta	..	..	..	..	..	..	5,400
49	Do.	.	.	.	Shri Srinivas Rao Raghoji Gulbrga.	..	..	..	..	..	..	600
50	Do.	.	.	.	Smt. Saradambal, Madras	..	..	..	..	..	..	10,800
51	Do.	.	.	.	M/s. Kirorimal Ramchand Bi- chhoria, Kosi Kalan (Mathura).	..	..	19,400	..	..	..	19,400
52	Do.	.	.	.	M/s. Orphan Tea Co., Calcutta	..	..	..	..	..	..	1,25,000
53	Do.	.	.	.	M/s. G. G. Fruit Preserving Factory, Agra.	..	..	..	..	..	..	5,000
54	Do.	.	.	.	M/s. J. L. Relan & Co., New Delhi.	..	7,600	..	..	..	..	7,600

14	Chief Ordnance Officer, Ordnance Depot, Shakurbasti, Delhi.	..	..	..	..	..	..	..	..
15	Pay and Accounts Officer, Ministry of Food & Agriculture, New Delhi.	40,000	..	1,100	..	99,500	..	400	7,500 94,400
16	Director of Administration, Government of India, Ministry of Food & Agriculture (Deptt. of Agriculture), New Delhi.	..	..	..	..	..	..	..	..
17	Under Secretary to the Government of India, Ministry of Transport and Communica- tion (Communication Deptt.), New Delhi.	Shares of Indian Telephone Industries Ltd.—359 scrip of 3,58,545 shares.							
18	Under Secretary to the Government of India, Ministry of Rehabilitation, New Delhi.	Share certificates of Rehabilitations Housing Corporation Ltd., Delhi, 7 scrip of 20,000 shares.							
19	Under Secretary to the Government of India, Ministry of Transport and Com- munication (Deptt. of Transport), New Delhi.	18 scrip of 37,180 shares of the Hindustan Shipyard Ltd.							
20	Housing Commissioner, Ministry of Works, Housing and Supply, New Delhi.	Shares of Ashoka Hotels Ltd., 4 scrips of 43,581 shares.							
21	Under Secretary to the Government of India, Ministry of Works, Housing and Supply, New Delhi.	5 scrips of 5,998 shares of Hindustan Housing Factory Ltd.							
22	Joint Development Commissioner, Minis- try of Commerce and Industry, Small Industries Service Institute, New Delhi.	..	..	..	..	..	..	..	..
23	Commanding Officer, Air Force Station, New Delhi.	..	..	..	..	..	..	..	..
24	The Chief Ordnance Officer, Vehicles Depot., Delhi Cantt.	..	..	..	..	..	..	..	..
25	Treasurer of Charitable Endowments for India, New Delhi.	..	..	..	..	..	..	..	..
26	Officer Commanding, H.Q.I. Arm Divi- sion Engineers, New Delhi.	..	..	..	..	..	..	..	..
27	Officer Commanding 39 Aslt. Fd. Pk. Coy., C/o 56 A.P.O., New Delhi.	..	..	..	..	..	..	..	..
28	The Controller of Central Radio Stores Depot, New Delhi.
29	The Secretary, Municipal Committee, Solan.

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List of Government Securities In the custody of the Reserve Bank of India, New Delhi, on the 31st December, 1959 deposited under paragraph 108 of the Government Securities Manual (3rd Edition)

Sl. No.	Name of person or fund on whose behalf held	P. O. 10 Yrs. N. P. Certi- ficates	P.O. 12 Yrs. N.S. Certi- ficates	P.O.12 Yrs. N.P. S. Certifica- tes	4% Madras 1963	4% Madras 1967	4% Madras 1968	4% Madras 1964	3% U.P. 1961-66	2½% Loan 1962
1	Secretary, Relief & Rehabilitation to Delhi State Govt., Delhi.	..	..	..	..	..	..	..	..	..
2	Executive Engineer 'C' Division, C.P.W.D., New Delhi.	..	3,175	..	..	..	..	..	..	..
3	Deputy Commissioner & Chairman, Distt. Soldiers', Seamen's and Airmen's Board, Delhi.	..	..	..	..	..	..	..	..	..
4	President of India C/o Secretary to Govern-ment of India, Home Affair, New Delhi.	..	..	..	..	..	..	..	..	..
5	Secretary to Government of India, Minis-try of Home Affairs, New Delhi.	..	..	..	..	..	..	..	..	..
6	Chief Admn. Officer, Government of India, Ministry of Defence, New Delhi.	..	2,500	6,500	..	..	..	..	..	..
7	Currency Officer, Reserve Bank of India, Issue Department, New Delhi.	..	400	..	..	..	..	..	..	800
8	Director General of Supplies & Disposals, New Delhi.	..	126,315	126,345	..	14,200	3,000	..	7,000	31,000
9	Director, Malaria Institute of India, Delhi	1,000	..	..	..	..	..	..	..	..
10	The Chief Chemist, Central Revenues, Con-trol Laboratory, Government of India, Agriculture Research Institute, New Delhi.	500	500	1,000	..	..	..	..	..	..
11	General Manager, Government of India Press, New Delhi.	..	600	3,000	..	..	..	..	..	..
12	Directorate of Sugar and Vanaspathi, Minis-try of Food and Agriculture, New Delhi.	..	500	..	..	..	..	..	..	..
13	Commandant, Central Ordnance Depot, Delhi Cantt.	..	9,800	—8,650	..	..	..	..	..	..
14	Chief Ordnance Officer, Ordnance Depot, Shakurbasti, Delhi.	..	2,700	5,900	..	..	..	..	..	..

15	Pay and Accounts Officer, Ministry of Food Agriculture, New Delhi.	..	167,900	1,83,645	6.200	..	..	100	..	..
16	Director of Administration, Government of India, Ministry of Food and Agriculture (Deptt. of Agriculture), New Delhi.	1,000	..	1,000	..	..	1	..	..	..
17	Under Secretary to the Government of India, Ministry of Transport and Communication (Communication Deptt.) New Delhi.									
18	Under Secretary to the Government of India, Ministry of Rehabilitation, New Delhi.									
19	Under Secretary to the Government of India Ministry of Transport and Communication (Deptt. of Transport) New Delhi.									
20	Housing Commissioner, Ministry of Works Housing and Supply, New Delhi.									
21	Under Secretary to the Government of India, Ministry of Works, Housing and Supply, New Delhi.									
22	Joint Development Commissioner, Ministry of Commerce and Industry, Small Industries Service Institute, New Delhi.	..	..	2.000	..	..	..	..	..	..
23	Commanding Officer, Air Force Station, New Delhi.	1,520	26,630	16,865	..	..	..	..	..	..
24	The Chief Ordnance Officer, Vehicles Depot., Delhi Cantt.	..	7,700	..	..	..	..	..	..	..
25	Treasurer of Charitable Endowments for India, New Delhi.	..	60,000	..	..	..	..	..	..	..
26	Officer Commanding, H.Q.I. Arm Division Engineers, New Delhi.	..	5,000	..	..	..	..	..	..	..
27	Officer Commanding 39 Aslt. Fd. Pk. Coy, C/o 56 A.P.O., New Delhi.	1,000	..	..	..	..	..	..	..	..
28	The Controller of Central Radio Stores Depot., New Delhi.	500	500	..	..	..	..	..	..	..
29	The Secretary, Municipal Committee, Solan.	..	75,000	..	..	..	..	..	..	..

List of Government Securities in the custody of the Reserve Bank of India, New Delhi on the 31st December, 1959 deposited under paragraph 108 of the Government Securities Manual (3rd Edition)

S. No.	Name of person or fund on whose behalf held	2½% Loan, 1961	4% Mysore St. Dev. Loan, 1963	4% Andhra, 1968	4% M.P. 1967	4% Bombay St. Dev. Loan, 1964	3% Hyderabad 1951-61	4% Hyderabad St. Dev. 1963	3% Nizam Govt. Loan 1360-70 F.
1	Secretary, Relief & Rehabilitation to Delhi State Govt., Delhi.	..	..	..	..	..	..	..	..
2	Executive Engineer 'C' Division, C.P.W.D. New Delhi.	..	..	..	..	..	..	..	..
3	Deputy Commissioner & Chairman, Distt. Soldiers', Seamen's and Airmen's Board, Delhi.	..	..	..	..	..	..	..	..
4	President of India C/o Secretary to Government of India, Home Affairs, New Delhi.	..	..	..	..	..	..	..	..
5	Secretary to Government of India, Ministry of Home Affairs, New Delhi.	..	..	..	..	..	..	..	..
6	Chief Admn. Officer, Government of India Ministry of Defence, New Delhi.	..	..	..	..	..	..	..	..
7	Currency Officer, Reserve Bank of India, Issue Department, New Delhi.	..	..	..	..	..	..	..	..
8	Director General of Supplies & Disposals, New Delhi.	2,100	6,000	43,200	..	..	12,857.10	..	5,000
9	Director, Malaria Institute of India, Delhi	..	..	..	..	..	..	..	..
10	The Chief Chemist, Central Revenues, Control Laboratory, Government of India, Agriculture Research Institute, New Delhi.	..	..	..	..	..	..	..	..
11	General Manager, Government of India Press, New Delhi.	..	..	..	..	..	..	..	..
12	Directorate of Sugar and Vanaspati, Ministry of Food and Agriculture, New Delhi	..	..	..	..	..	..	..	..
13	Commandant, Central Ordnance Depot, Delhi Cantt.	..	..	..	..	..	..	..	..
14	Chief Ordnance Officer, Ordnance Depot, Shakurbasti, Delhi.	..	..	..	..	..	..	..	..

15	Pay and Accounts Officer, Ministry of Food & Agriculture, New Delhi.	..	..	..	5,700	52,000	..	..	..
16	Director of Administration, Government of India, Ministry of Food & Agriculture (Deptt. of Agriculture), New Delhi.	..	..	..	..	..	..	..	..
17	Under Secretary to the Government of India, Ministry of Transport and Communication (Communication Deptt.) New Delhi.								
18	Under Secretary to the Government of India, Ministry of Rehabilitation, New Delhi.								
19	Under Secretary to the Government of India, Ministry of Transport and Communication (Deptt. of Transport) New Delhi.								
20	Housing Commissioner, Ministry of Works, Housing and Supply, New Delhi.								
21	Under Secretary to the Government of India, Ministry of Works, Housing and Supply, New Delhi.								
22	Joint Development Commissioner, Ministry of Commerce and Industry, Small Industries Service Institute, New Delhi.	..	..	..	..	..	..	..	..
23	Commanding Officer, Air Force Station, New Delhi.	..	..	..	..	..	..	..	..
24	The Chief Ordnance, Officer, Vehicles Depot, Delhi Cantt.	..	..	..	..	..	..	..	..
25	Treasurer of Charitable Endowments for India, New Delhi.	..	..	..	..	..	..	..	..
26	Officer Commanding, H.Q.I. Arm Division Engineers, New Delhi.	..	..	..	..	..	..	..	..
27	Officer Commanding 39 Aslt. Fd. Pk. Coy., C/o 56 A.P.O., New Delhi.	..	..	..	..	..	..	..	..
28	The Controller of Central Radio Stores Depot, New Delhi.	..	..	..	..	..	..	..	..
29	The Secretary, Municipal Committee, Solan.	..	..	..	..	..	..	..	..

List of Government Securities in the custody of the Reserve Bank of India, New Delhi on the 31st December, 1959 deposited under paragraph 108 of the Government Securities Manual (3rd Edition).

Sl. No.	Name of person or fund on whose behalf held	2½% Nizam Govt. Loan 1365-70F	2½% Nizam Govt. Loan 1363-73F	4% Travan- core Cochin 1963	3½% Bonds, 1962	3½% Bonds, 1963	2½% Loan 1960	4½% Kerala 1970	4% Loan, 1979
1	Secretary, Relief & Rehabilitation to Delhi State Govt., Delhi.	..	..	..	..	..	..	..	..
2	Executive Engineer 'C' Division, C.P.W.D., New Delhi.	..	..	..	..	..	..	..	..
3	Deputy Commissioner & Chairman, Distt. Soldiers', Seamen's and Airmen's Board, Delhi.	..	..	..	..	..	..	..	..
4	President of India C/o Secretary to Government of India, Home Affairs, New Delhi.	..	..	..	..	..	..	..	..
5	Secretary to Government of India, Ministry of Home Affairs, New Delhi.	..	..	..	..	..	..	..	..
6	Chief Admn. Officer, Government of India Ministry of Defence, New Delhi.	..	..	..	..	..	..	..	..
7	Currency Officer, Reserve Bank of India, Issue Department, New Delhi.	..	..	..	1,900	..	100	..	..
8	Director General of Supplies and Disposals, New Delhi.	5,000	1,000	..	..	5,500	..	16,300	..
9	Director, Malaria Institute of India, Delhi.	..	..	..	..	..	..	..	..
10	The Chief Chemist, Central Revenues, Control Laboratory, Government of India, Agriculture Research Institute, New Delhi.	..	..	..	..	..	..	..	..
11	General Manager, Government of India Press, New Delhi.	..	..	..	..	..	..	..	..
12	Directorate of Sugar and Vanaspathi, Ministry of Food and Agriculture, New Delhi.	..	..	..	..	..	..	..	..
13	Commandant, Central Ordnance Depot, Delhi Cantt.	..	..	..	..	..	..	..	..
14	Chief Ordnance Officer, Ordnance Depot, Shakurbasti, Delhi.	..	..	..	..	..	..	..	..

15	Pay and Accounts Officer, Ministry of Food & Agriculture, New Delhi.	..	14,000	21,000	..	..	..	..	5,500
16	Director of Administration, Government of India, Ministry of Food & Agriculture (Deptt. of Agriculture), New Delhi.	..	..	..	..	..	..	..	..
17	Under Secretary to the Government of India, Ministry of Transport and Communication (Communication Deptt.), New Delhi.								
18	Under Secretary to the Government of India, Ministry of Rehabilitation, New Delhi.								
19	Under Secretary to the Government of India, Ministry of Transport and Communication (Deptt. of Transport), New Delhi.								
20	Housing Commissioner, Ministry of Works, Housing and Supply, New Delhi.								
21	Under Secretary to the Government of India, Ministry of Works, Housing and Supply, New Delhi.								
22	Joint Development Commissioner, Ministry of Commerce and Industry, Small Industries Service Institute, New Delhi.	..	..	..	..	..	..	..	..
23	Commanding Officer, Air Force Station, New Delhi.	..	..	..	..	..	..	..	..
24	The Chief Ordnance Officer, Vehicles Depot, Delhi Cantt.	..	..	..	..	..	..	..	..
25	Treasurer of Charitable Endowments for India, New Delhi.	..	..	..	..	..	..	..	..
26	Officer Commanding, H.Q.I. Arm Division Engineers, New Delhi.	..	..	..	..	..	..	..	..
27	Officer Commanding 39 Aslt. Fd. Pk. Coy., C/o 56 A.P.O., New Delhi.	..	..	..	..	..	..	..	..
28	The Controller of Central Radio Stores Depot, New Delhi.	..	..	..	..	..	..	..	..
29	The Secretary, Municipal Committee, Solan.	..	..	..	..	..	..	..	..

List of Government securities in the custody of the Reserve Bank of India, New Delhi on the 31st December, 1959 deposited under paragraph 108 of the Government Securities Manual (3rd Edition)

Sl. No.	Name of person or fund on whose behalf held	4½% Raj. St. Dev. 1970	2½% Hyderabad, loan 1954-59	4% Hyderabad S. D. Loan, 1968	4½% Andhra S. D. Loan 1970	4% Andhra State Dev. Loan 1971	Total
1	Secretary, Relief & Rehabilitation to Delhi State Government, Delhi.	..	..	..	..	..	1,000
2	Executive Engineer 'C' Division, C.P.W.D., New Delhi.	..	..	..	..	..	3,175
3	Deputy Commissioner & Chairman, Distt. Soldiers', Seamen's, and Airmen's Board, Delhi.	..	..	..	..	..	20,200
4	President of India C/o Secretary to Government of India Home Affairs, New Delhi.	..	..	..	..	..	17,00,000
5	Secretary to Government of India, Ministry of Home Affairs, New Delhi.	..	..	..	..	..	2,06,00,000
6	Chief Admn. Officer, Government of India, Ministry of Defence, New Delhi.	..	..	..	..	..	9,000
7	Currency Officer, Reserve Bank of India, Issue Department, New Delhi.	..	..	..	..	..	14,700
8	Director General of Supplies & Disposals, New Delhi.	..	..	..	..	..	7,36,917.10
9	Director, Malaria Institute of India, Delhi	..	..	..	..	..	1,000
10	The Chief Chemist, Central Revenues, Control Laboratory, Government of India, Agriculture Research Institute, New Delhi.	..	..	..	..	..	2,000
11	General Manager, Government of India Press, New Delhi.	..	..	..	..	..	3,600
12	Directorate of Sugar and Vanaspati, Ministry of Food and Agriculture, New Delhi.	..	..	..	..	..	500
13	Commandant, Central Ordnance Depot, Delhi Cantt.	..	..	..	..	..	18,450
14	Chief Ordnance Officer, Ordnance Depot, Shakurbasti, Delhi.	..	..	..	..	..	8,600
15	Pay and Accounts Officer, Ministry of Food & Agriculture, New Delhi.	1,800	5,142.85	5,000	1,000	5,000	8,24,687.85

16	Director of Administration, Government of India, Ministry of Food & Agriculture (Deptt. of Agriculture), New Delhi.	..	..	..	..	2,000
17	Under Secretary to the Government of India, Ministry of Transport and Communication (Communication Deptt.), New Delhi.					
18	Under Secretary to the Government of India, Ministry of Rehabilitation, New Delhi.					
19	Under Secretary to the Government of India, Ministry of Transport and Communication (Deptt. of Transport) New Delhi.					
20	Housing Commissioner, Ministry of Works, Housing and Supply, New Delhi.					
21	Under Secretary to the Government of India, Ministry of Works, Housing and Supply, New Delhi.					
22	Joint Development Commissioner, Ministry of Commerce and Industry, Small Industries Service Institute, New Delhi.	..	..	..	..	2,000
23	Commanding Officer, Air Force Station, New Delhi.	..	..	..	..	45,015
24	The Chief Ordnance Officer, Vehicles Depot, Delhi Cantt.	..	..	..	..	7,700
25	Treasurer of Charitable Endowments for India, New Delhi.	..	..	..	..	60,000
26	Officer Commanding, H.Q.I. Arm Division Engineers, New Delhi.	..	..	..	..	5,000
27	Officer Commanding 39 Aslt. Fd. Pk. Coy., C/o 56 A.P.O., New Delhi.	..	..	..	..	1,000
28	The Controller of Central Radio Stores, Depot, New Delhi.	..	..	..	..	1,000
29	The Secretary, Municipal Committee, Solan.	..	..	..	..	75,000

[No. Sec. 1121/A9/(Admn)60]
(Sd.) Illegible.
Manager.

CENTRAL BOARD OF REVENUE**INCOME-TAX***New Delhi, the 2nd March 1960*

S.O. 656.—In exercise of the powers conferred by sub-section (6) of Section 5 of the Indian Income-tax Act, 1922 (11 of 1922), the Central Board of Revenue hereby makes the following further amendments in the Schedule appended to its notification SRO 1214 No. 44-Income-tax dated the 1st July 1952, namely:—

In column 2 of the said Schedule against item 52 the word "and" occurring before "Government servants resident in the Andamans who are subject to the audit of the Deputy Accountant General, Posts and Telegraphs, Madras" shall be deleted and after the words "Government servants resident in the Andamans who are subject to the Audit of the Deputy Accountant General, Posts and Telegraphs Madras" the following shall be further added:—

"and Government servants who are under the audit of the Director of Audit, Indian Accounts in U.K., London and the Audit Officer, Indian Accounts in U.S.A, Washington".

[No. 22 (F. No. 55/108/59-IT).]

D. V. JUNNARKAR, Under Secy.

ESTATE DUTY*New Delhi, the 9th March 1960*

S.O. 657.—In exercise of the powers conferred by the second proviso to sub-section (2) of Section 4 of the Estate Duty Act, 1953 (34 of 1953) and in supersession of its notification No. 17/F. No. 21/81/57-ED, dated the 19th December, 1957 as amended by Notification No. 51/F. No. 21/81/57-ED dated 27th November 1958, the Central Board of Revenue hereby directs that, subject to the pecuniary limits specified in the notification of the Central Board of Revenue No. 11-ED/F. No. 21/52/57-ED dated the 5th September, 1957 as amended by its notification No. 8/F. No. 12/1/59-ED dated the 1st April, 1959 every Income-tax Officer appointed to be an Assistant Controller and posted to the Estate Duty cum Income-tax Circle, Ernakulam, and every Inspecting Assistant Commissioner of Income-tax appointed to be a Deputy Controller and exercising jurisdiction over the said circle shall perform his functions as Assistant Controller and Deputy Controller respectively in the said circle to the exclusion of all other Assistant Controllers or Deputy Controllers in respect of the estates of all deceased persons who immediately before their death were being or would have been assessed to Income-tax had they derived any taxable income in any Income-tax Circle the headquarters of which lies within the revenue districts of Trivandrum, Qullon, Alleppey, Kottayam, Ernakulam, Trichur, Palghat, Kozhikode and Cannanore.

2. This notification shall come into force with effect from the 1st April, 1960.

Explanatory Note

(This note is not part of the notification but is intended to be merely clarificatory).

This notification has become necessary due to changes in the jurisdictions of the Commissioners of Income-tax, Madras and Coimbatore.

[No. 7/F. No. 21/21/60-ED.]

S.O. 658.—In exercise of the powers conferred by the second proviso to sub-section (2) of section 4 of the Estate Duty Act, 1953 (34 of 1953), the Central Board of Revenue hereby makes the following amendment in the notification No. 14/F. No. 21/37/59-ED, dated 21st May 1959, namely:—

In the said notification, the words 'and the Revenue Districts of Kozhikode and cannaore of Kerala State' shall be deleted.

2. This notification shall come into force with effect from the 1st April, 1960

Explanatory Note

(This note is not part of the notification but is intended to be merely clarificatory).

This notification has become necessary due to changes in the jurisdictions of the Commissioners of Income-tax, Madras and Coimbatore.

[No. 8/F. No. 21/21/60-ED.]

S.O. 659.—In exercise of the powers conferred by section 4 of the Estate Duty Act, 1953 (34 of 1953), read with rule 6 of the Estate Duty Rules, 1953 the Central Board of Revenue hereby transfers with effect from the 1st April 1960 the cases relating to the estates of the deceased persons who immediately before their death were being or would have been assessed to income-tax had they derived any taxable income in any Income-tax Circle the headquarters of which lies within the revenue districts of Kozhikode and Cannanore from the Assistant Controller, Estate Duty cum Income-tax Circle, Coimbatore, to the Assistant Controller, Estate Duty cum Income-tax Circle, Ernakulam.

Explanatory Note

(This note is not a part of the notification but is intended to be merely clarificatory).

This notification has become necessary due to changes in the jurisdictions of the Commissioners of Income-tax, Madras and Coimbatore.

[No. 9/F. No. 21/21/60-ED.]

D. SUBRAMANIAN, Secy.

CENTRAL EXCISE COLLECTORATE, BARODA**CENTRAL EXCISE, MANUFACTURED PRODUCTS**

Baroda, the 13th January 1960

S.O. 660.—In exercise of the powers conferred upon me under rule 233 of the Central Excise Rules, 1944, I direct that in cement factories, where bagging is done by automatic filling machines, the manufacturers shall check-weight not less than 5 per cent of such machine filled bags on platform scale.

2. Bagging from automatic filling machines shall be stopped, if the check weight shows variations in excess of 2 lbs. per bag either way. All the bags filled beyond the admissible tolerance shall be refilled to standard weight.

3. The manufacturer shall maintain a record of check-weightment in the following form:—

FACTORY*Record of Check-Weightment of Cement Bags Filled by Automatic Machines*

Wagon/ Truck or any other vehicle No. if any	Gate pass No. & Date	No. of cement bags to be loaded	Standard weight of the bag	Actual weight of each bag check weighed	Total excess(+) or deficiency(—) noticed in the bags	Initials of the weighing clerk of the factory	Initials of the Central Excise Officer	Remarks
1	2	3	4	5	6	7	8	9

(+) lbs.

(—) lbs.

Date.....Shift.....

4. The record, if any, maintained by a factory shall be accepted, if it contains the required particulars.

[No. 1/1960.]

R. PRASAD, Collector.

COLLECTORATE OF CENTRAL EXCISE, CALCUTTA**CENTRAL EXCISE***Calcutta, the 16th February 1960*

SUBJECT:—Central Excise—Vegetable Non-essential Oils—Maintenance of register for raw materials (Seed Account) Instruction regarding

S.O. 661.—In exercise of the powers conferred upon me under Rule 233 read with rule 55 of the Central Excise Rules, I hereby direct that the manufacturers of Vegetable Non-essential Oils, should maintain an account of raw material in the form enclosed.

This office Trade Notice No. 81/V.N.E. Oil/14/1959, dated 17th October, 1959 is hereby cancelled.

Raw material Accounts showing the Daily Account of Oil Seeds used and Oil extracted

Nuts—Oil Seeds								
Dated	Receipts	from	Issues	Direct sales	Quantity of Oil received after crushing	Oil	Cakes	Remarks
	Decorticator	Outside	for Crushing			Quantity obtained	Quantity issued	
<i>Abstract at the end of the each month.</i>								
Balance in the beginning of the month					Seeds	Oil	Oil	Cakes
Add Receipts during the month								
TOTAL								
Less issues during the month								
Balance at the end of the month								

Remark.—Separate account should be maintained for each variety of seed.

[No. 2/1960.]

S. P. KAMPANI, Collector.

OFFICE OF THE COLLECTOR OF CUSTOMS AND CENTRAL EXCISE, PONDICHERRY**CENTRAL EXCISE PUBLIC NOTICE***Pondicherry, the 3rd March 1960*

SUBJECT:—Central Excise—Finance Bill, 1960—certain changes in the Central Excise and Salt Act, 1944

S.O. 662.—The following changes in the first schedule to the Central Excises and Salt Act, 1944, as a consequence of the Budget proposals presented before the Lok Sabha on 29th February 1960 *vide* the Finance Bill, 1960 are published for the information of the Public:—

- in Item No. 4, for the entry in the third column, the entry "Twenty eight and three-fourths *naye paise* per imperial gallon" shall be substituted;
- in Item No. 4 for the entry in the third column, the entry "One rupee and forty-five *naye paise* per imperial gallon" shall be substituted;
- in Item No. 8 in the second column, for the words "Sugar" means any form of sugar containing more than ninety per cent. of sucrose' the words "Sugar" means any form of sugar in which the sucrose content, if expressed as a percentage of the material dried to constant

weight at 105 degree Centigrade, would be more than ninety" shall be substituted, namely:—

"(2) For Cycles (other than motor cycles.)

(a) tyres . . . Sixty *naye paise* per tyre or fifteen per cent. *ad valorem* whichever is higher.

(b) tubes . . . Thirty *naye paise* per tube or fifteen per cent. *ad valorem* whichever is higher.

(3) All other tyres . . . Fifteen per cent. *ad valorem*

(e) In Item No. 12,—

(i) for sub-items (b) and (c), the following sub-items shall be substituted namely:—

"(b) if it contains 40 per cent. or more by weight of silk;

(c) if contains 60 per cent. or more by weight of rayon or artificial silk; or

(d) if manufactured on a handloom"

(2) after sub-item (4), the following sub-item shall be inserted, namely:—

"(5) Cotton fabrics not otherwise specified . . . Thirty-seven *naye paise* per sq. yard.

(3) *Explanation III* in the second column shall be omitted.

(f) in Item No. 12 A,

(1) for sub-items (ii), (iii) and (iv), the following sub-items shall be substituted, namely:—

"(ii) if it contains 40 per cent. or more by weight of silk;

(iii) if it contains cotton and less than 60 per cent. by weight of rayon or artificial silk;

(iv) if it contains no cotton and less than 40 per cent. by weight of wool and less than 40 per cent. by weight of rayon or Artificial silk; or

(v) if manufactured on a handloom"

(2) the *Explanation* in the second column shall be omitted;

(g) after item No. 12.A, the following item shall be inserted namely:—

"12. B. SILK FABRICS

'Silk Fabrics' include all varieties of fabrics manufactured either wholly or partly from silk, but do not include any such fabric. Thirty *naye paise* per sq. yard.

(i) if it contains 40 per cent or more by weight of wool;

(ii) if it contains cotton or artificial silk or both and less than 40 per cent. by weight of silk;

(iii) if it contains no cotton and no artificial silk and less than 40 per cent. by weight of wool and less than 40 per cent by weight of silk; or

(iv) if manufactured on a handloom";

(h) the existing item No. 12B shall be re-numbered as item No. 12C;

(i) in Item No. 14, in the entry in the third column for the figures and words "19 *naye paise* per lb.", the figures and words "30 *naye paise* per lb." shall be substituted.

- (j) for item No 17, the following item shall be substituted, namely
"FOOTWEAR"

"FOOTWEAR" includes all varieties of footwear, whether known as boots, shoes, Sandals, Chappals or by any other name, and component parts thereof

- (1) Footwear produced in any factory, including the precincts thereof, where in fifty or more workers are working or where working on any day of the preceding twelve months and in any part of which the process of manufacturing footwear is being carried on with the aid of power or is ordinarily so carried on, the total equivalent of such power exceeding two horsepower

Ten per cent *ad valorem*

- (2) Component parts of footwear in or in relation to the manufacture of, which any process is ordinarily carried on with the aid of power

Fifteen per cent *ad valorem*.

- (k) In item No 18, for the entries in the third column against sub-items (1), (2), (3)(a)(i), (3)(a)(ii), (3)(a)(iii), (3)(b)(i), (3)(b)(ii) and (3)(b)(iii), the entries "Seven rupees and fifty *naye* paise per fan", "Fifteen Rupees per fan", "Five Rupees and twenty-five *naye* paise per motor", "Two Rupees and sixty-five *naye* paise per stator", "Two Rupees and sixty-five *naya* paise per rotor", "Ten Rupees and fifty *naye* paise per motor", "Five Rupees and twenty-five *naye* paise per rotor" shall respectively be substituted,

- (l) in Item No 19—

- (1) for the entries in the third column against sub-items (1)(i), (1)(ii) and (1)(iii) and (2) the entries "Ten *naye* paise per bulb", "Forty *naye* paise per bulb", "Eighty *naye* paise per bulb" and "Forty *naye* paise per foot" shall respectively be substituted,

- (ii) for sub-item (3) the following sub-items shall be substituted, namely:—

- "(3) Sodium and Mercury vapour discharge lamps

Five per cent *ad valorem*

- (4) All sorts, not otherwise specified

Fifteen per cent *ad valorem*

- (m) In item No 20, for the entries in the third column against sub-items (1) (2) and (3), the entries "Fifteen per cent *ad valorem*", "Fifteen per cent *ad valorem*", "Fifteen per cent *ad valorem*" and "Seventeen and half per cent *ad valorem*" shall respectively be substituted,

- (n) in Item No 21 for sub-items (5), (6), (7), (8) (9) and (10) the following sub-items shall be substituted, namely:—

- (5) Strawboard, other than corrugated board . Five *naye* paise per lb.

- (6) duplex and triplex board . Ten *naye* paise per lb.

- (7) Pulp board, not otherwise specified including grey board and mill board . Ten *naye* paise per lb

- (8) Corrugated board . Ten *naye* paise per lb.

- (9) Coated board (including art, chrome and board for playing cards) . Fifteen *naye* paise per lb.

- (10) paper and paper board, all sorts not otherwise specified . Fifteen *naye* paise per lb.

- (o) In item No 24, in the third column for the words "plus eighty *naye* pa" and "plus imperial gallon" the words "plus one rupee and seventeen *naye* pa" and "per imperial gallon" shall be substituted;

- (p) in item No. 25, for the entries in the third column against sub-items (a) and (b) the entries "Sixteen per cent. *ad valorem* plus sixty-five rupees per ton" and "Sixteen per cent. *ad valorem* plus thirty rupees per ton" shall respectively be substituted;

- (q) for item No. 27, the following item shall be substituted, namely:—

"27. MOTOR VEHICLES

"Motor Vehicles" means all mechanically propelled vehicles adapted for use upon roads, and includes a chassis and a trailer; but does not include a vehicle running upon fixed rails:—

- | | |
|--|---|
| 1) Autocycles, motor cycles, Scooters, auto-rickshaws and any other three wheeled motor vehicles, | One hundred and seventy five rupees each |
| (2) Motor vehicles of not more than 16 H. P. by Royal Automobile Club (R. A. C.) rating, | One thousand rupees each |
| 3) Motor cars of more than 16 H. P. by Royal Automobile Club (R. A. C.) rating constructed or adapted to carry not more than nine persons, | Three thousand rupees each or fifteen per cent <i>ad valorem</i> whichever is higher. |
| 4) Motor vehicles, not otherwise specified | Two thousand five hundred rupees each or twelve and half per cent. <i>ad valorem</i> whichever is higher; |

- (r) after item No. 28, the following items shall be inserted, namely:—

"29. CYCLES, PARTS OF CYCLES OTHER THAN MOTOR CYCLES. NAMELY:—

- | | |
|------------------|------------------|
| (i) free wheels, | Two rupees each |
| (ii) rims, | four rupees each |

30. INTERNAL COMBUSTION ENGINES, ALL SORTS, NAMELY:—

- | | |
|---|---------------------------------|
| (i) those designed for use as a prime-mover for transport vehicles and have been given for that purpose some special shape, size or quality which would not be essential for their use for any other purpose, | Ten per cent <i>ad valorem</i> |
| (ii) others, | Five per cent <i>ad valorem</i> |

31. ELECTRIC MOTORS, ALL SORTS AND PARTS THEREOF, NAMELY :—

- | | |
|---|------------------------------------|
| (i) those designed for use in circuits of less than 10 amperes and at a pressure not exceeding 250 volts, | Fifteen per cent <i>ad valorem</i> |
| (2) those designed for use in circuits at a pressure exceeding 400 volts and | |
| (i) with a rated capacity not exceeding 10 HP | Ten per cent <i>ad valorem</i> |
| (ii) exceeding 10 H. P. | Five per cent <i>ad valorem</i> |
| (3) All others | Fifteen per cent <i>ad valorem</i> |
| (4) Parts of electric motors | Fifteen per cent <i>ad valorem</i> |

32. CINEMATOGRAPH FILMS EXPOSED—

		Of a width of 30 mm or higher	Below 30 mm in width
(1) news reels and shorts not exceeding metres.	500	Fifteen <i>naye paise</i> per metre	Ten <i>naye paise</i> per metre
(2) feature films, advertisement shorts and films not otherwise specified.		Fifteen <i>naye paise</i> per metre	Thirty three <i>naye paise</i> per metre

33. ALUMINIUM

- | | |
|--|---------------------------------------|
| (a) in any crude form including ingots bars, blocks, slabs, billets, shots and pellets, | Three hundred rupees per metric Tonne |
| (b) manufacturers of the following namely plates sheets, circles, strips, and foils in any form or size, | Five hundred rupees per metric tonne |

34. TIN PLATE AND TINNED SHEETS INCLUDING TIN TAGGERS AND CUTTINGS OF SUCH PLATES, SHEETS OR TAGGERS

Two hundred rupees per metric tonne

35. PIG IRON

Ten rupees per metric tonne "

Amendment of act 12 of 1953 21. In section 2 of the Khadi and other Handloom industries Development (Additional excise Duty on Cloth) Act, 1953 in clause (b), for the words " and rayon or artificial silk fabrics," the words "silk and rayon or artificial silk fabrics" shall be substituted,

Amendment of Act 58 of 1957 22. In the additional duties of Excise (Goods of Special importance) Act, 1957,—

(a) In clause (c) of section 2, for the figures and letter "12C" shall be substituted.

(b) In the First Schedule, in the entry relating to item No. 12 after sub-item (4) The following sub-item shall be inserted, namely :—

"5 Cotton fabrics, not otherwise specified Thirteen naye paise per square yard"

Discontinuance of Salt (duty 1 of 1944) 23. For the year beginning on the first day of April, 1960, no duty under the Central Excises and Salt Act, 1944, or the Tariff Act shall be levied in respect of Salt manufactured in, or imported into India.

2. According to these changes the following commodities have now been included in the Central Excise Tariff.

- (a) Tents
(b) Cloth not otherwise specified—

- (i) Cotton Fabrics—
(ii) Staple Fibre Fabrics
(iii) Silk Fabrics
(iv) Component parts of footwear produced with the aid of power
(v) Motor Vehicles
(vi) Free wheels and rims of cycles other than motor cycles
(vii) Internal combustion Engines
(viii) Electric Motors all sorts and parts thereof
(ix) Cinematograph Films Exposed
(x) Aluminium
(xi) Tin Plate
(xii) Pig Iron

3 The above changes came into force from the midnight of 29th February/1st March 1960. As such the manufacturers of the commodities should immediately obtain a licence in form L 4 from this office and maintain the necessary accounts under the Central Excise Rules, 1944.

[No. 3/60. File C.IV/4/1/60.]

A. J. B. LOBO, Collector.

THE MYSORE CENTRAL EXCISE COLLECTORATE, BANGALORE

CENTRAL EXCISE

Bangalore, the 5th March 1960

S.O. 663.—I hereby authorise Superintendents of Central Excise in the Mysore Collectorate to exercise within their respective jurisdictions the powers of Collector specified in para 4 of the Government of India, Notification No. 53/59, dated 9th May, 1959 issued under Rule 191-B of Central Excise Rules 1944. I hereby also authorise these Officers as "proper officers" for purposes of para 5 of the above Notification

[No. 2/60 F. VI(a)(21)26/60 B-1.]

A. R. SHANMUGAM, Collector.

OFFICE OF THE ASSTT. COLLECTOR OF CENTRAL EXCISE AND LAND CUSTOMS, GOA FRONTIER DIVISION, BELGAUM

NOTICES

Belgaum, the 7th March 1960

S.O. 664.—Whereas it appears that the goods as mentioned in the under-mentioned table seized in the vicinity of the Indo-Goa border were imported by land from Goa (Portuguese possession in India) in contravention of the Rules and Notifications as mentioned against each.

Sl. No.	Date & Place of seizure	By whom detected	Description of goods	Quantity	Rules contravened
38/60	25-11-1959 in Dodamarg Circle.	Insp. of C. Ex., Circle office, Dodamarg. & Insp. C. Ex. Matua.	(1) Cloves (2) Press-studs (3) Key-chains (4) Goa country Liquor.	139 Srs. 96 Gross 3 Dozs. 2 motor-tubes	Sec. 5(1) of the Land Customs Act 1924 and Govt of India, Ministry of Commerce and Industry Import Control, Order No. 17/55 of 7-12-55, issued under Section 3 & 4-A of the Import & Export Control Act 1947 (in respect of item Nos. 1 to 3) and Govt. of India, Ministry of Finance, (C.R.) Notification No. 2/Camp/Cus. dated 26-1-46; and further deemed to have been issued under Section 19 of the Sea Customs Act 1878. (in respect of item No. 4).

Now, therefore, any person claiming the goods is hereby called upon to show cause to the Asstt. Collector of Central Excise and Land Customs, Goa Frontier Division, Belgaum why the above mentioned goods should not be confiscated under Section 5(3) of the Land Customs Act 1924 read with Section 167(8) and 168 of the Sea Customs Act 1878 and Section 3(2) of the Imports and Exports Control Act 1947 and why a penalty should not be imposed on him under Section 7(1)(c) of the Land Customs Act 1924 read with Section 167(8) of the Sea Customs Act 1878.

If such an owner fails to turn up to claim the above mentioned unclaimed goods or to Show Cause against the action proposed to be taken within 30 days

from the date of publication of this notice in the Government of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b)10-38/60.]

Belgaum, the 8th March 1960

S.O. 665.—Whereas it appears that the goods as mentioned in the under-mentioned table seized in the vicinity of the Indo-Goa border were imported by land from Goa (Portuguese possession in India) in contravention of the Rules and Notifications as mentioned against each.

Sl. No.	Date & Place of seizure	By whom detected	Description of goods	Quantity	Rules contravened
43/60	15-2-1960 at Kankumbi jungle.	Platoon Commander, S.R.P.F. Kankumbi	(1) Cloves 9 pkgs. (2) 7 O'Clock blades, (3) Nail cutters (4) M. Lighters (5) Gunny-bags	B. Md. Srs. 4—27½ 7400 Nos. 330 Nos. 24 Nos. 10 Nos.	Sec. 5(1) of the Land Customs Act 1924 and Govt. of India, Ministry of Commerce and Industry, Imports Control Order No. 17/55 dated 7-12-55 issued under Sec. 3 & 4-A of the Import and Export Control Act 1947, and further deemed to have been issued under Sec. 19 of the Sea Customs Act. 1878.
44/60	8-10-1959 Chorla jungle.	Sub-Insp. C. Ex., Chorla Naka.	(1) Cloves in six bags	B. Md. Srs. 3—17	Do.

Now, therefore, any person claiming the goods is hereby called upon to show cause to the Asstt. Collector of Central Excise, Land Customs, Goa Frontier Division, Belgaum why the above mentioned goods should not be confiscated under Section 5(3) of the Land Customs Act 1924 read with Section 167(8) and 168 of the Sea Customs Act 1878 and read with Section 3(2) of the Imports and Exports Control Act 1947 and why a penalty should not be imposed on him under Section 7(1)(c) of the Land Customs Act 1924 read with Section 167(8) of the Sea Customs Act 1878.

If such an owner fails to turn up to claim the above mentioned unclaimed goods or to Show Cause against the action proposed to be taken within 30 days from the date of publication of this notice in the Government of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b)10-43, 44/60.]

Show Cause Notice

Belgaum, the 8th March 1960

S.O. 666.—Whereas it appears that the live stock mentioned in the under-mentioned table seized in the vicinity of the Indo-Goa border were about to be

exported by land from India to Goa (Portuguese possession in India) in contravention of the Rules and Notifications as mentioned against each.

Sl. No.	Date & Place of seizure	By whom detected	Description of goods	Quantity	Rules contravened
47/60	14-1-1960 at "Ladkacha Vazai" Chorla jungles.	Sub-Insp. C. Ex., Customs, Parwad.	He buffaloes Bullocks	2 4	Sec. 5(1) of the Land Customs Act 1924 and Govt. of India, Ministry of Commerce and Industry, Export Control Order No. 1/58 dated 1-5-58, issued under Sec. 3(2) of the Imports and Exports Control Act 1947 and further deemed to have been issued under Sec. 19 of the Sea Customs Act 1878.

Now, therefore, any person claiming the live-stock is hereby called upon to show cause to the Asstt. Collector of Central Excise and Land Customs, Goa Frontier Division, Belgaum why the above mentioned live stock should not be confiscated under Section 5(3) of the Land Customs Act 1924 read with Section 167(8) of the Sea Customs Act 1878 and Sec. 3(2) of the Import & Export Control Act 1947 why a penalty should not be imposed on him under Section 7(1)(c) of the Land Customs Act 1924 read with Section 167(8) of the Sea Customs Act 1878.

If such an owner fails to turn up to claim the above mentioned unclaimed live stock or to show cause against the action proposed to be taken within 30 days from the date of publication of this notice in the Government of India Gazette, the live stock in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b)10-47/60.]

E. R. SRIKANTIA, Asstt. Collector.

MINISTRY OF COMMERCE & INDUSTRY

(Office of the Jt. Chief Controller of Imports, Bombay).

NOTICES

Bombay, the 6th February 1960

S.O. 667.—It is hereby notified, that in exercise of the powers conferred by clause 9 of the Imports (Control) Order, 1956, the Government of India, in the Ministry of Commerce and Industry propose to cancel licence No. E. 733305/57/EI JCCI-B, dated the 22nd May 1959 valued at Rs. 500/- for the import of component parts of textile machinery as defined in ITI No 72.3 of machinery specified in clause 1 above excluding those covered by S.N.O. 68 of V. from the Currency Area except South Africa, granted inadvertently by the Joint Chief Controller of Imports & Exports, Bombay to M/s. Mehta and Co. 71, Marine Drive Bombay-1 unless sufficient cause against this is furnished to the Joint Chief Controller of Imports and Exports, Gulam Mohd. Bldg., Nicol Road, Ballard Estate, Bombay-1 within 10 days of the date of issue of this notice by the said M/s Mehta and Co. Bombay or any Bank, or any other party, who may be interested in it.

In view of what is stated above M/s Mehta and Co. Bombay or any Bank, or any other party, who may be interested in the said licence(s) No. E 733305/57/EI JCCI-B dated 22nd May 1959 are hereby directed not to enter into any commitments against the said licence.

M/s. Mehta and Co.
71, Marine Drive Bombay-1.

[No. 5-2-III-M-10-1-60/B.]

S.O. 668.—It is hereby notified, that in exercise of the powers conferred by clause 9 of the Imports (Control) Order, 1956, the Government of India, in the Ministry of Commerce and Industry propose to cancel licence No. E. 866111/57/E Jt CCI-B dated the 30th May 1959 valued at Rs. 500/- for the import of Component parts of Textile Machinery from the Soft Currency Area except South Africa, granted inadvertently by the Joint Chief Controller of Imports & Exports, Bombay to M/s R. Bhogilal & Co. 261/63 Hornby Rd. Bombay-1 unless sufficient cause against this is furnished to the Joint Chief Controller of Imports & Exports, Gulam Mohd. Bldg., Nicol Road, Ballard Estate, Bombay-1 within 10 days of the date of issue of this notice by the said M/s R. Bhogilal and Co Bombay-1 or any Bank, or any other party, who may be interested in it.

In view of what is stated above M/s R. Bhogilal & Co. Bombay or any Bank, or any other party, who may be interested in the said licence(s) No. E 866111/57 dated 30th May 1959 are hereby directed not to enter into any commitments against the said licence.

M/s R. Bhogilal & Co.
261/63 Hornby Rd Fort Bombay-1.

[No. 5(2)III/R.4/1-60/B.]

S.O. 669.—It is hereby notified that in exercise of the powers conferred by clause 9 of the Imports (Control) Order, 1956, the Government of India, in the Ministry of Commerce and Industry propose to cancel licence No. E 733308/57/E1/Jt CCI/B dated the 22nd May 1959 valued at Rs. 500/- for the import of Component parts of Textile Machinery from the Soft Currency Area except South Africa, granted inadvertently by the Joint Chief Controller of Imports & Exports, Bombay to M/s Pattani Industrial Corpn. 82 Appollo St. Bombay unless sufficient cause against this is furnished to the Joint Chief Controller of Imports & Exports, Gulam Mohd. Bldg., Nicol Road, Ballard Estate, Bombay-1 within 10 days of the date of issue of this notice by the said M/s Pattani Industrial Corpn. Bombay or any Bank, or any other party, who may be interested in it.

In view of what is stated above M/s Pattani Industrial Corpn. Bombay or any Bank, or any other party, who may be interested in the said licence(s) No. E 733308 dated 22nd May 1959 are hereby directed not to enter into any commitments against the said licence.

M/s. Pattani Industrial Corpn.
82, Appollo St Fort Bombay-1

[No. 5(2)-III/P.4/1-60/B.]
K. V. DAVE, Dy. Chief Controller.

(Office of the Jt. Chief Controller of Imports & Exports)

NOTICES

Bombay, the 10th February 1960

S.O. 670—It is hereby notified, that in exercise of the powers conferred by clause 9 of the Imports (Control) Order, 1955, the Government of India, in the Ministry of Commerce and Industry propose to cancel licence No. E-752458 dated the 16th December 1959 valued at Rs. 500/- for the import of Scientific & Surgical Insts. etc. from the General Currency Area except Union of South Africa, granted by the Jt. CCI & E., Bombay to M/s. Mukundlal & Co. Bombay unless sufficient cause against this is furnished to the Jt. CCI & E., Bombay within ten days of the date of issue of this notice, by the said M/s. Mukundlal & Co. Bombay or any Bank, or any other party, who may be interested in it.

2. The reasons for cancelling the licence are that some change in the constitution of the firm had taken place on 4th December 1959 but the firm did not inform the Jt. Chief Controller of Imports & Exports, Bombay about the said change immediately. Consequently the licence in question was wrongly issued to the firm without their having obtained the necessary sanction regarding T.Q.Rs.

3. In view of what is stated above, M/s. Mukundlal & Co. Bombay are hereby directed not to enter into any commitments against the said licence and also inform immediately to the Jt. Chief Controller of Imports & Exports, Gulam Mohd. Bldg., Nicol Road, Ballard Estate, Bombay-1 that no firm commitments have already been made.

M/s. Mukundlal & Co.
29, New Hanuman Lane, Bombay-2.

[No. 93-94(d)-V/75/1-60/K]

S.O. 671.—It is hereby notified, that in exercise of the powers conferred by clause 9 of the Imports (Control) Order, 1955, the Government of India, in the Ministry of Commerce and Industry propose to cancel licence No. E-620307 dated the 8th December 1959 valued, at Rs. 750/- for the import of Surgical Insts. etc. from the Soft Currency Area except union of South Africa, granted by the Jt. CCI & E Bombay to M/s Mukundlal & Co. Bombay-2 unless sufficient cause against this is furnished to the Jt. CCI & E. Bombay within ten days of the date of issue of this notice, by the said M/s. Mukundlal & Co. Bombay or any Bank, or any other party, who may be interested in it.

2. The reasons for cancelling the licence are that some change in the constitution of the firm had taken place on 4th December 1959 but the firm did not inform the Jt. Chief Controller of Imports & Exports, Bombay about the said change immediately. Consequently the licence in question was wrongly issued to the firm without their having obtained the necessary sanction regarding T.Q.Rs.

3. In view of what is stated above, M/s. Mukundlal & Co. Bombay are hereby directed not to enter into any commitments against the said licence and also inform immediately to the Jt. Chief Controller of Imports & Exports, Gulam Mohd. Bldg., Nicol Road, Ballard Estate, Bombay-1 that no firm commitments have already been made.

M/s. Mukundlal & Co.
23, New Hanuman Lane, Bombay-2

[No. 93-94(e)-V/59/1-60/K.]

K. V. DAVE, Dy. Chief Controller,
for Jt. Chief Controller.

(Office of the Deputy Chief Controller of Imports & Exports)
(Central Licensing Area)

NOTICE

New Delhi, the 11th March 1960

S.O. 672.—It is hereby notified, that in exercise of the powers conferred by Clause 9 of the Imports (Control) Order, 1955, the Government of India, in the Ministry of Commerce and Industry propose to cancel Licence No. A-859748/59/AU/CCI/D dated the 6th November, 1959 valued at Rs. 20,000/- for the import of Golden Printing Foils from the Soft Currency Area except South Africa, granted by the Deputy Chief Controller of Imports & Exports (Central Licensing Area) New Delhi to M/s National Plastic Industries, Gobaria, Moghalsarai, Distt. Varanasi, unless sufficient cause against this is furnished to the Deputy Chief Controller of Imports & Exports (Central Licensing Area), New Delhi within ten days of the date of issue of this notice, by the said M/s National Plastic Industries, Gobaria, Moghalsarai, Distt. Varanasi, or any Bank, or any other party, who may be interested in it.

2. In view of what is stated above, M/s. National Plastic Industries, Gobaria, Moghalsarai, Distt. Varanasi, or any Bank, or any other party, who may be interested in the said licence No. A-859748/59/AU/CCI/D, dated the 6th November, 1959 are hereby directed not to enter into any commitments against the said licence and return it immediately to the Deputy Chief Controller of Imports and Exports (Central Licensing Area), Shahjahan Road, New Delhi.

M/s National Plastic Industries,
Gobaria-Moghalsarai,
Distt. Varanasi.

[No. F.DCCI/PS/1/60/1565.]

V. C. NAIDU,
Dy. Chief Controller of Imports & Exports.

MINISTRY OF STEEL, MINES & FUEL

(Department of Iron & Steel)

New Delhi, the 11th March, 1960

S.O. 673/ESS. COMM/IRON AND STEEL-2(c)/AM(64).—In exercise of the powers conferred by sub-clause (c) of clause 2 of the Iron and Steel (Control) Order, 1956, the Central Government hereby directs that the following further

amendment shall be made to the notification of the Government of India, in the Ministry of Steel, Mines and Fuel, No. S.R.O. 2041/ESS. COMM/IRON AND STEEL-2(c), dated the 11th June, 1957, as amended from time to time, namely:—

In the Schedule annexed to the said notification, in columns 2 and 3 thereof, against 'ORISSA', the following entry shall be added, namely:—

2	3
"14. Deputy Director of Food, Supplies, and <i>Ex-officio</i> Deputy Secretary to Govt., Supply Department, Orissa State.	4 and 5"

[No. SC(A)-1(9)/59.]

S.O. 674/ESS. COMM/Iron & Steel 27(1)/AM(16).—The following Notification issued by the Iron and Steel Controller under Sub-clause (1) of Clause 27 of the Iron and Steel (Control) Order, 1956 is published for general information:—

"NOTIFICATION

In exercise of the powers conferred by Sub-clause (1) of Clause 27 of the Iron and Steel (Control) Order, 1956 and with the approval of the Union Government, the Iron and Steel Controller is pleased to notify the following amendment to Part I-C under Schedule V of Notification No. 2249.ESS.COMM/Iron and Steel-15(1) & 27(1) published under Part II, Section 3(ii) of the Gazette of India dated 1st November, 1958:—

Amendment

Under item No. 13(A)—Sub item (a)

Delete the existing entries and insert,—

	Col. I	Col. II	Col. III
	Rs.	Rs.	Rs.
Used but in very good condition, as good as new with only nail holes	745	770	790

S. C. MUKERJEE,
Dy. Iron and Steel Controller
for Iron and Steel Controller."

[SC(C)-2(48)/59.]

G. RAMANATHAN, Dy. Secy.

(Department of Mines & Fuel)

New Delhi, the 11th March 1960

S.O. 675.—Whereas by the Notification of the Government of India in the Department of Mines & Fuel (Ministry of Steel, Mines & Fuel) S.O. 348, dated the 19th March, 1958 under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government gave notice of its intention to prospect for coal in lands measuring 1,480 Acres in the locality specified in the Schedule appended to that Notification and reproduced in the Schedule appended to that Notification and reproduced in the Schedule appended hereto;

And whereas in respect of the said lands no notice under sub-section (1) of section 7 of the said Act has been given;

Now, therefore, in exercise of the powers conferred by the said sub-section (1) of section 7, the Central Government hereby specifies further period of one year commencing from the 19th March, 1960 as the period within which the Central Government may give notice of its intention to acquire the said lands or any rights in or over the said lands.

SCHEDULE

Sl. No.	Name of Villages	Thana	Thana No.	District	Area
1.	Jainagar (Part)	Ramgarh	25	Hazaribagh	240 acres (approx)
2.	Balkundra (Part)	Ramgarh	26	Hazaribagh	280 acres (approx.)
3.	Kurse (Part)	Ramgarh	47	Hazaribagh	960 acres (approx.)
4.	Deona Bergawan (part)	Ramgarh	48	Hazaribagh	
5.	Matkuma (Part)	Ramgarh	49	Hazaribagh	
5.	Ladi (Part)	Ramgarh	53	Hazaribagh	
TOTAL AREA					1,480 acres (approx.)

Boundary Description

AB Line starting from the Nakari Nadi going upto the common Boundary of Balkundra and Jainagar villages Area 240 Acres (Approx.) south of Nakari Nadi.

BC Line Starting from common boundary of Jainagar and Balkundra villages going up to the Railway line covering the area west of the Railway line, Area 280 Acres (Approx.).

CD Line-Area to the north of the Railway line.

AG Line Runs along the Eastern and Southern Bank of Nakari Nadi up to the point where it meets the Balkundra Nalla and the western Boundary of Bhurkunda Colliery.

GF Line Along the western Boundary of Bhurkunda Colliery.

FEH Line along the Southern boundary of Bhurkunda and Lapanga Colliery (F to E Bhurkunda Boundary, 'H to E' Lapanga Boundary).

HD Line Along the common Boundary of Ladi and Lapanga villages upto the Railway line.

[No. F. C2-7(112)/57.]

New Delhi, the 14th March 1960

S.O. 676.—Whereas by the notification of the Government of India, in the Department of Mines and Fuel (Ministry of Steel, Mines and Fuel) S.O. No. 2122 dated the 19th September, 1959, under sub-section (1) of section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government gave notice of its intention to acquire the lands in the locality specified in the Schedule appended to that notification.

And whereas no objection has been made to the acquisition of the land aforesaid;

And whereas the Central Government after consulting the Government of Madhya Pradesh is satisfied that:—

(a) the land measuring 510.04 acres described in Schedule 'A' appended hereto; and

(b) the rights to mine, quarry, bore, dig and search for, win, work and carry away minerals in the lands measuring 334.20 acres described in Schedule 'B' appended hereto

should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 9 of the said Act, the Central Government hereby declares that the land measuring 510.04 acres described in the said Schedule 'A' and the rights to mine, quarry, bore, dig and search for, win, work and carry away minerals in the lands measuring 334.20 acres described in the said schedule 'B' are hereby acquired.

The plan of the area covered by this notification may be inspected in the office of the Collector Surguja (M.P.) or in the office of the Coal Controller, 1, Council House Street, Calcutta or in the office of the National Coal Development Corporation Ltd. (Revenue Section), Darbhanga House, Ranchi.

SCHEDULE 'A'

Drawing No. Rev./56/59.

Showing lands to be acquired).

Bishrampur Coalfield

BLOCK 'C'

Name of Village	Thana	Thana No.	District	BLOCK I	All rights
				Area	Remarks
1. Jayanagar	Jayanagar	88	Surguja	243.78 Acres.	Part.
2. Tilaikachhar	Jayanagar	89	Surguja	66.02 Acres.	Part.
3. Sashipur <i>alias</i> Tharmunda	Jayanagar	77	Surguja	16.01 Acres.	Part.
4. Reserve Forest	Jayanagar	..	Surguja	184.23 Acres.	Part.
TOTAL AREA				510.04 Acres. (Approximate)	

Plots to be acquired:—

In village Jayanagar	1 (Part), 2 to 13, 14(Part), 15(Part), 18(Part), 20(Part), 45(Part), 46(Part), 47, 48, 49(Part), 50(Part), 80(Part), 129(Part), 130(Part), 131(Part), 132(Part), 133(Part), 134(Part), 268(Part), 269(Part), 270(Part), 272(Part), 273 to 293, 294(Part), 295(Part), 297(Part), 300(Part), 301(Part), 302, 303, 304(Part), 305(Part), 306(Part), 307 to 310, 311(Part), 313(Part), 317(Part), 318, 319(Part), 335 (Part), 336, 337, 338(Part), 339(Part), 340(Part), 347(Part), 348, 349, 350(Part), 351 to 402, 403(Part), 404 to 411, 412(Part), 413(Part), 420(Part), 422(Part), 423(Part), 424(Part), 425, 426(Part), 427(Part), 435 (Part), 436 to 445, 446(Part), 447(Part), 448(Part), 454(Part), 1688.
In village Tilaikachhar	2(Part), 11(Part), 20(Part), 21, 22(Part), 23 (Part), 24, 25, 26, 27(Part), 28, 29, 30, 31(Part), 32(Part), 33(Part), 36(Part), 37 (Part), 38(Part), 39(Part), 40(Part), 43 (Part), 44, 45(Part), 73(Part), 75(Part), 76(Part), 77(Part), 78 to 81, 82(Part), 83 (Part), 84(Part), 85(Part), 108(Part), 109 (Part), 110, 111(Part), 112, 113(Part), 114 (Part), 115(Part), 119(Part), 120 to 123, 124(Part), 125, 126(Part), 127(Part), 129 (Part), 1537(Part).
In village Sashipur <i>alias</i> Tharmunda	2(Part), 38(Part), 103(Part), 104(Part), 105, 106, 107(Part).
In Reserve Forest	Part.

Boundary Description:—

AB Line passes through Reserve Forest and Plot No. 427, 426, 424, 423, 422, 420 in village Jayanagar.

BC line is the common boundary of Mining Block.

CDEFGH line passes through the Plot No. 103, 104, 107 in village Sashipur *alias* Tharmunda.

124, 129, 126, 127, 119, 113, 114, 115, 108, 109, 85, 84, 43, 82, 83, 76, 75, 77, 73, 45, 1537 in village Tilakachhar.

454, 446, 447, 448, 347, 350, 340, 339, 338, 335, 311, 313, 317, 319, 306, 305, 304, 301, 300, 294, 297, 295, 272, 270, 269, 268, 403, 134, 133, 132, 131, 130, 129, 80, 1, 50, 49, 45, 46, 15, 14, 18, 20 in village Jayanagar.

III line is the common boundary of village Jayanagar and Kunjanagar.

IJ line is the common boundary of Kunjanagar and Reserve Forest.

JK line passes through Reserve Forest.

KA line passes along the common boundary of village Kunjanagar and Reserve Forest.

SCHEDULE 'B'

Drawing No. Rev./56/59.

Showing lands were rights to mine, quarry bore, dig and search for win, work and carry away minerals are to be acquired.

BLOCK II

Sl. No.	Name of Village	Thana	Thana No.	District	Area	Remarks
1.	Jayanagar . . .	Jayanagar	88	Surguja	22.03 Acres.	Part.
2.	Tilakachhar . . .	Jayanagar	89	Surguja	114.53 Acres.	Part.
3.	Sashipur <i>alias</i> Tharmunda . . .	Jayanagar	77	Surguja	193.97 Acres.	Part.
4.	Parbatipur <i>alias</i> Kashaidahar . . .	Jayanagar	74	Surguja	1.85 Acres.	Part.
5.	Reserve Forest . . .	Jayanagar	..	Surguja	1.82 Acres.	Part.
TOTAL . . .					334.20 Acres.	(Approximate)

Plots in Village Jayanagar . . .	412(Part), 413(Part), 414(Part), 415, 416 (Part), 419(Part), 420(Part), 427(Part), 435 (Part).
Plots in village Tilakachhar . . .	2(Part), 3 to 10, 11(Part), 12 to 19, 29 (Part), 22(Part), 23(Part), 27(Part), 31 (Part), 32(Part), 33(Part), 34, 35, 36(Part), 37(Part), 38(Part), 39(Part), 40(Part), 41, 42, 43(Part), 111(Part).
Plots in village Sashipur . . .	2(Part), 3, 4, 5(Part), 6 to 23, 24(Part), 25 (Part), 30(Part), 31(Part), 32(Part), 33, 34, 35(Part), 37(Part), 38 (Part) 169(Part), 172 (Part).
Plots in village Parbatipur . . .	185(Part).
Reserve Forest . . .	(Part).

Boundary Description :

BI line passes through Plot Nos. 420, 419, 414, 416, 427, 435 in village Jayanagar.
2 in village Tilakachhar.

172 in village Sashipur *alias* Tharmunda.

185 in village Parbatipur *alias* Kashaidahar.

IJ line passes through plot No. 185 in village, Parbatipur *alias* Kashaidahar.
172, 2, 5, in village Sashipur *alias* Tharmunda.

In Reserve Forest.

JC line passes through Reserve Forest.

Plot No. 25, 24, 32, 31, 30, 35, 37, 169, 2, 38, in village Sashipur *alias* Tharmunda.

CB line passes through Plot Nos.—38, 2, in village Sashipur *alias* Tharmunda.

111, 11, 23, 22, 20, 27, 31, 32, 33, 36, 40, 37, 38, 39, 43, 2 in village Tilakachhar.

435, 427, 413, 412, 420, 428, 429 in village Jayanagar.

S.O. 677.—Whereas by the notification of the Government of India, in the Department of Mines and Fuel (Ministry of Steel, Mines and Fuel) S.O. No. 659 dated 9th April 1958 under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government gave notice of its intention to prospect for coal in the lands measuring 1810 Acres in the locality specified in the Schedule appended to the notification and reproduced in the Schedule appended hereto;

And whereas in respect of the above lands no notice under sub-section (1) of section 7 of the said Act has been given;

Now, therefore, in exercise of the powers conferred by the said sub-section (1) of section 7, the Central Government hereby specified further period of one year commencing from the 9th April, 1960, as the period within which the Central Government may give notice of its intention to acquire the said lands or any rights in or over such lands.

SCHEDULE

Plan No. HQ/LA/24.

BLOCK—VI. SOHAGPUR COAL-FIELD

(Sl. No.	Name of Village	Village No.	District	Tahsil	Areas	Remarks
1.	Kakarkona . . .	71	Sahdol	Sohagpur	1,720 Acres	Part.
2.	Baratola . . .	729	Sahdol	Sohagpur	90 Acres	Part.
TOTAL AREA .					1,810 (Approximately)	

Boundary Description:

AB line passes along the Eastern bank of river Kenai, and also along with Western boundary of village Kakarkona.

BC line just passes South of railway line.

CD line is the common boundary of village Kakarkona, Belia and Piparaha.

DA line is the common boundary of village Kakarkona. Hara and Urra.

[No. C2-22(11)/59.]

B. ROY, Under Secy.

MINISTRY OF FOOD & AGRICULTURE

(Department of Agriculture)

(Indian Council of Agricultural Research)

New Delhi, the 8th March 1960

S.O. 678.—Under Section 4(iv) of the Indian Cotton Cess Act, 1923 (14 of 1923), the Central Government are pleased to appoint M/s Ramnath A. Podar and C. S. Barrett, as members of the Indian Central Cotton Committee to represent the Bombay Millowners Association and the Bombay Chamber of Commerce and Industry, Bombay, respectively, for a period of three years with effect from 1st April 1960.

[No. 1-18/59-Com.IV.]

New Delhi, the 10th March 1960

S.O. 679.—In pursuance of Sub-section (j) of Section 4 of the Indian Oilseeds Committee Act, 1946 (9 of 1946), the Central Government hereby appoint following persons to be the members of the Indian Central Oilseeds Committee, to

represent the village oilseed crushing industry, for the period from the 1st March, 1960 to 31st March, 1962:—

1. Sri M. Vlnaik, Royavaram, Tiruchirapalli District, (Madras).
2. Shri Thakur Agya Ram, President, The Hoshiarpur Oil Production and Soap Manufacture-cum-sale Co-operative Industrial Society, Hoshiarpur (Punjab).
3. Shri H. D. Badhe, Deputy Director, Gandhi Gramodyog Maudir, P.O. Shivajinagar, Amravati.

[No. 8-2/59-Com.II.]

N. L. GUPTA, Under Secy.

MINISTRY OF RAILWAYS

(Railway Board)

New Delhi, the 8th March 1960

S.O. 680.—In exercise of the powers conferred by clauses (f) and (g) of sub-section (1) of section 47 of the Indian Railways Act, 1890 (9 of 1890), read with the notification of the Government of India in the late Department of Commerce and Industry No. 801 dated the 24th March 1905, the Ministry of Railways (Railway Board) hereby make the following further amendments with effect from the 1st April, 1960 in the rules published with the notification of the Government of India in the Ministry of Railways (Railway Board) No. TC.III/3036/58/Notification dated the 28th August, 1958, namely:—

In the 'II RULES FOR REGULATING THE USE OF ROLLING STOCK, ENGINES AND TRAINS',—

In the table below rule 6,

(i) in column 2, against item (i) for the existing entry the following entry shall be substituted, namely:—

"In the case of BFR wagons 9 working hours from the time at which the wagons are placed in position for loading. In the case of all other types of wagons 5 working hours from the time at which the wagons are placed in position for loading",

(ii) in column 2, against item (ii) for the existing entry the following entry shall be substituted, namely:—

"In the case of BFR wagons 9 working hours from the time at which the wagons are placed in position for unloading. In the case of all others types of wagons 5 working hours from the time at which the wagons are placed in position for unloading."

[No. 8246-T.C.]

R. E. de Sa, Secy.

MINISTRY OF TRANSPORT AND COMMUNICATIONS

(Department of Communications and Civil Aviation)

(P. & T. Board)

ERRATA

In the Ministry of Transport & Communications (Deptt. of Comms. & Civil Avn.—P & T Board) Notification No. 21-1/58 PHC. dated 8th March 1960 published in the Gazette of India Part II Section 3(ii) dated the 12th March 1960 as S.O. No. 627, the following corrections are to be made:—

(i) Page 944—

In the last sentence of Section V—for the word 'renta' read 'rental'.

(ii) Page 946—

(a) under Section IX. 1 (a)—for 'Internal private wires.....Rs. 1000' read 'Internal private wires.....Rs. 100'.

(b) under Section IX. (b) (ii)—Insert the word 'for' after Rs. 75/- under the column Annual rental.

(iii) Page 947—

under rule 451 in item A(iii)—for '80 k.m.' read '800 k.m.'.

MINISTRY OF REHABILITATION

(Office of the Chief Settlement Commissioner)

New Delhi, the 9th March 1960

S.O. 681.—In exercise of the powers conferred by sub-section (I) of section 3 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri Hans Raj Chadha, Land Allotment Officer an Assistant Settlement Commissioner for the purpose of performing the functions assigned to such officers by or under the Act, with effect from the 1st March, 1960.

[No. 3(2)/Admn(R)/CSC-60.]

S.O. 682.—Whereas the Central Government is of opinion that it is necessary to acquire certain evacuee properties in the State of Uttar Pradesh specified in the Schedule below for a public purpose, being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons:

Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire, and hereby acquires, the evacuee properties specified in the said Schedule.

THE SCHEDULE

S. No.	Particulars of the property		Name of the town & locality in which the evacuee property is situated	Name of evacuee
	Khasra No.	Area in ordinary acres		
1	2	3	4	5
<i>Tehsil Amroha</i>				
1.	3657 . . .	41	Amroha,	Sharif Ahmed s/o Kutubuddin.
2.	3664 . . .	25	Do.	Do.
3.	3046 . . .	25	Do.	Mukhtar Ahmed s/o Husain Bux.
4.	3047 . . .	51	Do.	Do.
5.	1747 . . .	1.71	Do.	Raziuddin s/o Abdul Kasim.
6.	4388 . . .	1.48	Do.	Abdul Kadus s/o Abdul Hai.
7.	3509 A . . .	.66	Do.	Shafiq Begum w/o Sharif Al med.
8.	3512 A . . .	.13	Do.	Do.
9.	3512 B . . .	.80	Do.	Do.
10.	450/1 . . .	2.02	Do.	Ashraf Begum & Badshah Begum.
11.	450/2 . . .	2.02	Do.	Do.
12.	456/1 . . .	3.19	Do.	Do.
13.	2232 . . .	1.55	Do.	Mohd. Saddiq s/o Ali Hasan.
14.	2233 . . .	1.56	Do.	Do.
15.	2055 . . .	0.43	Do.	Fazal Mohd. Khan s/o Mustafa Khan.
16.	2136 . . .	0.22	Do.	Sala Khatoon w/o Modh. Nasir.
17.	912 . . .	0.67	Do.	Kutbul Nisan w/o Khalilulhasan.
18.	791 . . .	3.50	Do.	Noor Jehan Begum w/o Munavar Hasan.
19.	3360 . . .	1.34	Do.	Husain Mohd. s/o Akhtar Husain.
20.	815 . . .	3.83	Do.	Noor Jehan w/o Jahir Shah.
21.	3844 . . .	0.09	Do.	Abdul Sattar s/o Maqbool Ahmed.
22.	1599 . . .	0.28	Do.	Dabir Hasan s/o Sharif Ahmed.
23.	371 B. . .	0.18	Do.	Ally Ahmed s/o Alley Nabi.
24.	359 . . .	2.04	Do.	Mehboob Ahmed Khan s/o Abdul Majid.
25.	6390 . . .	2.78	Do.	Muslim Hussain s/o Umrao Begum.
26.	2998 . . .	0.11	Do.	Shakila Begum w/o Samaruddin.
27.	3455 . . .	0.33	Do.	Sharif Ahmed s/o Nazir Ali.
28.	1916 . . .	0.49	Do.	Abrar Ahmed Riyazul Bux.

1	2	3	4	5
29.	4335 .	0.16	Amroha	Maqsood Hasan s/o Ibu Hasan.
30.	3722 .	0.83	Do.	Maqbool Ahmed s/o Maqool Ahmed.
31.	3717 .	0.11	Do.	Do.
32.	3712 .	0.83	Do.	Do.
33.	4431 .	1.00	Do.	Monina Khatoun, Riyazul Haq s/o Abdullah.
34.	3999 .	0.64	Do.	Istifa Hasan etc. s/o Mustafa Hasan.
35.	4001 .	0.60	Do.	Do.
36.	4000 .	1.34	Do.	Do.
37.	4002 .	0.03	Do.	Do.
38.	4262 .	1.59	Do.	Do.
39.	4263 .	1.00	Do.	Do.
40.	4264 .	1.25	Do.	Do.
41.	1111 .	0.56	Do.	Alley Rasool s/o Abbas Ali.
42.	6153 .	2.77	Do.	Abdul Karim s/o Ahmed Hasan.
43.	545 .	0.92	Do.	Idris Hasan s/o Istafa Hasan.
44.	546 .	0.80	Do.	Do.
45.	547 .	0.89	Do.	Do.
46.	548 .	1.58	Do.	Do.
47.	3195 .	3.28	Do.	Do.
48.	3196 .	1.62	Do.	Do.
49.	3197 .	1.84	Do.	Do.
50.	3198 .	1.64	Do.	Do.
51.	3199 .	0.66	Do.	Do.
52.	3200 .	1.06	Do.	Do.
53.	371/1 .	0.12	Do.	Shaukat Ullah s/o Ajmat Ullah.
54.	371/2 .	0.57	Do.	Do.
55.	2168 .	0.75	Nalgao Sadat.	Mohd. Hasan s/o Akhtar Hasan.
56.	1870 .	1.16	Do.	Sarvar Husain s/o Fazal Husain.
57.	1041 A .	0.32	Do.	Ishtiaq Hasan s/o Mushtaq Husain.
58.	2133 A .	0.07	Do.	Do.
59.	1070 .	0.05	Do.	Shamim Haidar Gulam Abbas s/o Mohd. Taqi.
60.	1119 .	0.02	Do.	Do.
61.	2030 .	0.56	Do.	Do.
62.	1795 .	0.06	Do.	Dildar Husain & others.
63.	214 .	1.68	Do.	Nizam Hasan s/o Barkat Ali.
64.	1218 .	0.59	Do.	Yusuf Husain s/o Sajjad Husain.
65.	2205 .	0.44	Do.	Do.
66.	662 .	0.07	Do.	Rizwan Haidar s/o Zulfikar Haidar.
67.	669 .	0.10	Do.	Do.
68.	670 .	0.30	Do.	Do.
69.	249 .	3.23	Khatapur	Sultan Ahmed s/o Syed Mohd. r/o Bijnor.
70.	264 .	1.35	Do.	Do.
71.	177 .	0.09	Do.	Khalil Haidar s/o Irtiza Husain r/o Amroha.
72.	820 .	5.75	Bedharna	Mohd. Rashid s/o Mohd. Hadi r/o Amroha.
73.	147 1/4 A .	0.75	Evazabad	Israr Alam s/o Faizali r/o Evazabad.
74.	178 A .	3.87	Do.	Do.
75.	178 B .	0.48	Do.	Do.
76.	105 .	0.41	Durgapur	Inamul Haq s/o Riyazul Haq.
77.	321/A .	1.02	Panjusara	Sadat Husain s/o Liyaqat Husain.
78.	271 .	0.19	Do.	Do.
79.	193 .	2.73	Burhpur	Ziaul Haq r/o Burhpur.
80.	541 .	3.38	Do.	Do.
81.	114 .	0.50	Do.	Do.
82.	988 .	4.20	Rajabpur	Hamiduddin Jamiluddin.
83.	10 .	2.07	Chakvarraspur	Izmarul Hasan s/o Maziz Hasan r/o Amroha.
84.	11 .	2.07	Do.	Do.
85.	22 .	1.08	Atrasi	Sultan Ahmed s/o Inam Al r/o Amroha.

I	2	3	4	5
86.	29 B . . .	0.57	Garhi	Sajda Begum w/o Aman Khan r/o Garhi.
87.	9 A . . .	1.04	Do.	Do.
88.	25 . . .	0.08	Do.	Do.
89.	55 A . . .	1.32	Do.	Do.
90.	105 . . .	0.77	Do.	Do.
91.	106 . . .	0.08	Do.	Do.
92.	107 . . .	0.29	Do.	Do.
93.	117B . . .	1.41	Do.	Do.
94.	762 . . .	0.11	Jamia Azam	Sabir Husain s/o Safdar Husain r/o Bahoolpur.
95.	793 . . .	0.10	Do.	Do.
96.	761 . . .	0.12	Do.	Do.
97.	748 . . .	0.05	Do.	Do.
98.	759 . . .	0.32	Do.	Do.
99.	750 . . .	0.08	Do.	Do.
100.	752 . . .	0.07	Do.	Do.
101.	764 . . .	0.34	Do.	Do.
102.	765 . . .	0.13	Do.	Do.
103.	760 . . .	0.23	Do.	Do.
104.	1B . . .	4.47	Sirsamohan	Sibtey Ahmed s/o I. Ahmed r/o Amroha.
105.	293 . . .	0.80	Do.	Ali Mohtsum s/o Ali taqi r/o Amroha.
106.	319B . . .	0.10	Mahwa	Mohd. Sanu s/o Mohd. Fasih r/o Amroh
107.	320B . . .	0.97	Do.	Do.
108.	262 . . .	5.59	Do.	Armarn Husain s/o Munir Hasan r/o Amroha.
109.	264 . . .	4.44	Do.	Do.
110.	326 . . .	1.95	Do.	Do.
111.	363B . . .	11.13	Do.	Armarn Husain s/o Munir Hasan r/o Amroha.
112.	267 . . .	1.78	Do.	Do.
113.	327 . . .	2.00	Do.	Do.
114.	361 . . .	1.64	Nanak-Nag ¹	Bunyadi w/o Umed Khan r/o Mohd. pur.
115.	369/1 . . .	1.14	Torapur	Agha Begum w/o Mohd. Raza Khan r/o Amroha.
116.	174 . . .	4.14	Palaksarai	Shuja Khan s/o Jiaul Ahmed r/o Amroha.
117.	238 . . .	6.86	Do.	Do.
118.	249 . . .	1.47	Do.	Do.
119.	1342 . . .	1.27	Joya	Mustafa Ali s/o Raza Ali r/o Amroha
120.	1197 . . .	1.24	Umari Kalan	Saddiq Hasan etc.
121.	753/1 . . .	1.25	Beclna	Nazim Husan s/o Barqat Ali r/o Naugaon Sadat.
122.	177 . . .	1.24	Desipur	Farkul Nisan w/o Wahajul r/o Amroha.
123.	153 A . . .	0.84	Bahadurpur	mt. Salan Khatoon w/o Ali Mustafa r/o Amroha.
124.	2713 . . .	3.23	Amroha	Farookh s/o Mohd. Husain r/o Amroha.
125.	2700 . . .	3.99	Do.	Aftab Ali s/o Ansar Ali r/o Amroha.
126.	1570 . . .	0.08	Do.	Fazal Mohd. Khan s/o Mustafa Khan.
127.	2137 . . .	0.85	Do.	Salha Khatoon w/o Mohd. Nasim.

Tehsil Sambhal

128.	351 . . .	1.00	Matipur	Marghoob Ahmed s/o Mohd. Usman r/o Amroha.
129.	31 . . .	1.19	Budaun Darwaza	Kuutub Uddin s/o Nisaruddin r/o Sambhal.
130.	220 . . .	5.23	Fakharpur	Syed Aun s/o Jawaar Husain r/o Nuriyan Sarai.
131.	345/1 . . .	1.00	Mondapatti	Mohd. Anwar s/o Mohd. Akhtar r/o Sirsi.

1	2	3	4	5
<i>Tehsil Hasanpur</i>				
132.	760 . . .	0.80	Dhanauramafi	Navab Hasan s/o Mehmood Hasan r/o Amroha.
133.	1228 . . .	2.91	Bachraon	Abdul Muqtdar s/o Abdul Baqi.
134.	391 . . .	1.36	Do.	Mohd. Hafiz s/o Mohd. Ali.
135.	244 . . .	0.88	Do.	'Tabiya Khatoon w/o Abdul Hafiz.
136.	243 . . .	0.52	Silhanagla	Muinnuddin s/o Nasir Uddin r/o Amroha.
137.	223/1 . . .	1.92	Nawabpuri Bhoor	Mehmood Hasan s/o Mehmuddul Hasan r/o Bachraon.
<i>Tehsil Bilari</i>				
138.	289 . . .	3.00	Nehitora	Munawar Hasan s/o Alley Hasan r/o Kunderki (Kunderki).
139.	227 . . .	1.21	Nagla Nasoon	Syed Ahmed Khan s/o Latif Ahmed Khan.
<i>Tehsil Moradabad</i>				
140.	1402 . . .	0.41	Agwanpur	Wahid Hasan s/o Abib Hasan r/o Mugulpura.
141.	777 . . .	0.02	Kanpur	Majid Ali s/o Ahmed Ali Khan r/o Karanpur.
142.	778 . . .	0.02	Do.	Do.
143.	333 D . . .	0.08	Bhogpur	Afzal Ahmed s/o Bikar Ahmed r/o Moradabad.
144.	335 D . . .	3.33	Muhaun	Do.
145.	29 B . . .	0.06	Do.	Bashir Ahmed s/o Hasan Shah r/o Moradabad.
146.	965 . . .	1.25	Do.	Do.
147.	966 . . .	0.05	Do.	Do.
148.	40 . . .	3.25	Ganeshghat	Ahmad Begum w/o Gula n Muzafar r/o Rampur.

[No. 2(1) Policy-II/58]

New Delhi, the 11th March, 1960

S.O. 683.—In exercise of the powers conferred by Clause (a) of Sub-Section (2) of Section 16 of the Displaced Persons (Compensation and Rehabilitation) Act, No. 44 of 1954, the Central Government hereby appoints for the Govind Nagar Colony, Shri Kaushalendra Pratap, for the time being holding the post of Deputy Administrator, Govind Nagar Colony, Kanpur, as Managing Officer, for the custody, management and disposal of Compensation pool.

[No. 4(67)-Admn.(Prop)/58.]

S.O. 684.—In exercise of the powers conferred under Rule 11-D(1) of the Evacuee Interest (Separation) Rules, 1951 (No. 64 of 1951), the Central Government hereby appoints the following officers for the time being holding the posts mentioned against each under the Regional Settlement Commissioner, Bombay, as Sales Officers for the purpose of conducting sale of Composite properties in Bombay Region.

1. Shri K. S. Raghawan—Accounts Officer-cum-Managing Officer.
2. Shri Bhawan Dass—Assistant Settlement Officer-cum-Managing Officer.

[No. 16(1) (Admn.(Prop)/50.]

KANWAR BAHADUR,
Settlement Commissioner (Admn.) & *Ex-Officio*
Deputy Secretary to the Government of India:

DELHI DEVELOPMENT AUTHORITY*New Delhi, the 10th March 1960*

S.O. 685.—In pursuance of the provision of Sub-Section (4) of Section 22 of the Delhi Development Act, 1957, the Delhi Development Authority has replaced at the disposal of the Central Government the Nazul land described in the Schedule below:—

SCHEDULE

Land measuring 122.54 acres near the old Kilokri Pumping Station comprising Khasra Nos 1959 min, 1967 min, 1968, 1969, 1970 min, 1971, 1972, 1973 min, 1974, 1975, 1976 min, 1977 min, 1978 min, 1979 min, 1981, 1982, 1984 min, 1985, 1986, 1987, 1988 min, 1989 min.

The above land is bounded as follows:—

North - Ring Road.
 South—Private Land
 East—Railway Line.
 West—Underground Nala.

[No. L.1(51-A)56.]

M. L. GUPTA, Secy.

MINISTRY OF LABOUR & EMPLOYMENT*New Delhi-2, the 9th March 1960*

S.O. 686.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Additional Industrial Tribunal, Bombay, in the matter of an application under section 33A of the said Act from certain workmen of Messrs Hill, Son and Dinshaw (Private) Limited, Bombay

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL TRIBUNAL AT BOMBAY

APPLICATION NO. 7 OF 1960

IN REF. (CGIT) No. 5 OF 1960

Shri Mohamed Yasin Ali and 4 others—*Complainants.*

Vs

Messrs. Hill, Son and Dinshaw (Private) Ltd Bombay.—*Opposite party.***PRESENT**

Shri Salim M. Merchant, Presiding Officer.

APPEARANCES:

For the complainants.—Shri Manohar Kolwal, Secretary Transport and Dock Workers' Union, Bombay.

For the Opposite Party.—Shri N. N. Gazder, Secretary Messrs. Hill, Son and Dinshaw (private) Ltd.

*Dated 3rd March 1960***STATE:** Bombay.**INDUSTRY:** Ports and Docks.**AWARD**

This is a complaint filed on 23rd February 1960 purporting to be under Section 33A of the Industrial Disputes Act (Act XIV of 1947), in which it is alleged that the opposite party had, in contravention of the provisions of Section 33 of the Act, altered to the prejudice of the complainants the conditions of service applicable to them immediately before the commencement of the industrial dispute in Reference No. 5 of 1960 pending before this Tribunal, in which they

are admittedly the workmen concerned. The prejudicial change alleged is that since 5th February 1960 the opposite party has stopped giving employment to the complainants, who are admittedly casual daily rated time keepers employed by the opposite party. The complainants allege that this action of the opposite party is directly connected with the terms of reference in Reference No. 5/60 in which the question referred for adjudication is whether the daily rated time keepers employed by the opposite party (including the 5 complainants herein) be made permanent, and if so how many of them.

2. The opposite party in its written statement dated 26th February 1960, has denied that there has been any contravention of the provisions of section 33 of the Act by them as the manner of employment of the casual workers remains the same; that the complainants are given work after all the monthly rated dock clerks have been fully employed; that from the 5th of February there was no work which could be offered to them; that the work that the complainants were doing as time-keepers is now also attended to by the permanent foremen and other dock clerks employed by the opposite party as contemplated by the directions contained in para 21 of Appendix 'D' of the decision dated 1st February 1956 of the Special Bench of the Labour Appellate Tribunal in the Bombay Dock Labour Appeals and the award dated 28th December 1959 of Shri F. Jeejeebhoy, the learned Presiding Officer of the Central Government Industrial Tribunal, Bombay, in Reference No. 1/58, published in the Gazette of India Part II Section 3(ii) dated 16th January 1960 at pages 249 to 252.

3. The first question that falls for determination is whether there has been any contravention of Section 33 of the Act, as, if there has not been any contravention, the complaint would not be maintainable. I am satisfied after hearing the submissions of the parties that there has been no contravention of any provisions of Section 33 by the employers and consequently the complaint is not maintainable. The facts are that after the decision of the Labour Appellate Tribunal in the Bombay Dock Labour Appeals and the directions contained in paragraph 21 of Appendix 'D' thereof, the opposite party started employing time-keepers for recording idle time under clause 5 of the Appendix and all time rated work and timings under the Appendix, required for the purpose of the working of the piece-rate scheme in the docks. It was admitted at the hearing of the main dispute Reg. No. 5/60 that at one time the opposite party was employing as many as 13 daily rated casual time-keepers but that at present it employs some 9 time keepers, including the five complainants herein. It is admitted also that there has been a reduction in the tonnage of cargo handled by the opposite party, and from statements filed at the hearing of Reference No. 5/60, it is clear that in recent months there has been a reduction in the number of the man shifts worked per month by the casual time-keepers. Besides, the important fact to remember is that the complainants are casual workers who are employed as and when there is work for them and are daily rated, but weekly paid. The company's case is that there was no work for the casual time-keepers, including the five complainants, since the 5th February till the date of the complaint because the permanent foremen and other monthly dock clerks employed by the opposite party who had not sufficient work were attending to the duties which these casual time-keepers were performing. It is not denied by the union that the company has not employed any other casual workers in preference to the complainants for the work which the complainant were doing. There is thus nothing to show that there has been a prejudicial change in the service conditions of the complainants who are casual employees and are given work only when there is work available for them. I am satisfied that these 5 complainants were not given work from 5th February 1960, because the opposite party's other clerical staff could attend to the work which these complainants were doing. Since the union has not been able to establish that there was work and the existing clerical staff was not enough to cope with the same, it cannot be said that there has been any contravention of section 33 of the Act, prejudicial to the workmen.

4. In the result, the complaint fails as not maintainable and is dismissed. There will be no order as to costs.

(Sd) SALIM M. MERCHANT,
Presiding Officer.

[No. 28/46/59/LR.IV.]

S.O. 687.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Additional Industrial Tribunal, Bombay, in the industrial dispute between Messrs Hill, Son and Dinshaw (Private) Limited, Bombay and their workmen.

**BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL TRIBUNAL,
AT BOMBAY**

REFERENCE (CGIT) No. 5 of 1960

**The employers in relation to Messrs. Hill, Son & Dinshaw (Private Ltd., Bombay
AND**

Their workmen.

PRESENT:

Shri Salim M. Merchant, Presiding Officer.

APPEARANCES:

For the employers.—Shri N. N. Gazdar, Secretary, Messrs. Hill, Son & Dinshaw (Private) Ltd.,

For the workmen.—Shri Manohar Kotwal, Secretary, Transport and Dock Workers' Union.

Dated, the 3rd March 1960

INDUSTRY: Ports and Docks.

AWARD

The Government of India in the Ministry of Labour and Employment, by Order No. 28(46)/59-LRIV dated 18th January 1960 made in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), was pleased to refer to me for adjudication the industrial dispute between the parties above named in respect of the subject matter specified in the following schedule to the reference:—

‘Whether the daily rated time keepers employed by Messrs. Hill, Son and Dinshaw (Private) Ltd., Bombay, be made permanent and if so, how many?’.

2. Messrs Hill, Son and Dinshaw (Private) Ltd., Bombay, (hereinafter referred to as the company) are stevedores and labour contractors, and at present employ nine Time keepers as daily rated casual employees. Under the decision dated 1st February 1956 of the Special Bench of the Labour Appellate Tribunal in the Bombay Dock Labour Appeals, a scheme of piece-rated work in the Docks was awarded. Appendix D to the decision provides the conditions governing the piece-rates sanctioned in the Award for Stevedore Labour and para 21 of the Appendix provides that the foreman or the chageman in the employment of the stevedores shall record all idleness under clause 5 and all time-rated work and timings required under that appendix.

3. It appears that when the piece-rate system was introduced, the company started employing a certain number of daily rated casual time keepers whose duty it was to maintain a record of idle time, piece-rate and time rate work etc., in connection with the stevedores gangs working on board ships. Piece-rate system of payment was an innovation in the Bombay docks and both dock labour and employers had to get familiarised with the records and methods of calculations and working required by the piece-rate system. Since payment was to be made by results, the tempo of work at the docks was intensified. The company felt that its foremen had enough work to occupy themselves and in consequence the keeping of records was entrusted to casual workers.

4. In these circumstances, the company came to employ certain number of casual daily rated time keepers who were weekly paid, their daily rate of payments being Rs. 5.25 nP. per shift. The highest number of such time-keepers employed by the company at any time was 13. At present the company employs only nine time keepers, five of whom were engaged between March and June 1956 and the remaining four were engaged between May and July 1957. The particulars by name of these 9 time keepers and the months in which they were first employed are stated in the Unions Statement Ex. W. 4. These time keepers

are given work by rotation, to ensure certain uniformity in the number of shifts to each during the month.

5. The Union's claim is that since these nine time keepers have been in the employment of this company since the last three or four years, they should be made permanent. The union alleges that there is enough work to keep each of these time keepers employed throughout the month and it argues that considering that the system of piece-rate payment has come to stay in the Docks and these workmen are discharging duties which are part and parcel of the piece-rate system, they should be made permanent.

6. The management, however, resists the claim on the ground that the tempo of work which existed when the time-keepers were first employed has gradually decreased and the tonnage which the company now handles has gradually decreased during the last two years with the result that it finds that its other permanent monthly paid clerical staff are not fully occupied and that they now have enough spare time to attend to the work which these time keepers are doing. The company also urges that not only has the work in the docks decreased due to import restrictions, but in addition the ships handled by this company carry less cargo than before due to fall in exports and imports; that there is now a speedier turnover of work consequent upon both employers and labour having now become used to the working of the piece-rate system of payment and that this has resulted in there not being sufficient work for these time keepers.

7. These contentions of the management are supported by the statements which it filed at the hearing, the correctness of which, except in regard to one or two small particulars, were not questioned by the Union Statement C2 is a record for the period from April 1956 to January 1960 of the man shifts during which the monthly foremen of this company were idle. The statement undoubtedly shows that since 1959 the period of idle man shifts of monthly foremen has been gradually increasing. This shows that the foremen have now time or leisure to attend to the duties of the recording of idle time and particulars of piece-rate and time rate work contemplated by paragraph 21 of appendix D. The company has stated that the figures of idle time given in its statement C-2, would be much higher as four and five foremen are now being sent to a single ship instead of the usual one or two foremen per ship, and that in spite of sending 4 and 5 foremen to one vessel there are still many foremen who remain idle. This statement has not been challenged by the union. The management has filed another statement (exhibit C-3) showing the number of man shifts during which there was no work for its monthly labour. The statement covers the period from April 1956 to December 1959 and it also shows that the number of man-shifts during which the company's monthly labour was idle during 1959 was higher than what it was during 1957 and 1958. I am satisfied that there has been a fall in the tonnage handled by the company during 1958 and 1959 compared to what it had handled during 1956 and 1957. The comparative figures are stated in the company's statement exhibit C-5 and they are as follows:—

1956	1957	1958	1959
6,56,459	6,51,738	5,43,971	5,27,293 (tons).

8. The company has in all 57 dock clerks on its regular employment list, including tally clerks. The company has filed a statement exhibit C-6 which shows "the non-availability of work" for its dock clerks in terms of man-shifts. The statement shows that while there was no non-availability of work during 1957 there was non-availability of 877 man-shifts during 1958 and 1361 man-shifts during 1959.

9. I have also considered the statements of the company regarding the employment of casual workers during 1957, 1958 and 1959 (exhibits C-7, C-8 and C-9) which establish that the average man shifts per month worked by these casual time-keepers has gradually diminished during that period. In fact, since 5th February 1960 the management could not give any employment to any of these time-keepers and in respect thereof the union filed a complaint under Section 23A charging the management with having made a prejudicial change in the terms and conditions, which complaint I have dismissed of by a separate order of even date.

10. The union on the other hand has contended that the management was not justified in giving reduced employment to these time-keepers and it has in that connection mainly urged that the company has (a) since February 1958 starting asking one time keeper to work on two ships; (b) that these time keepers are also asked to work on the ships of Messrs. M. Dinshaw & Co., which is a sister concern of this company with a common board of directors; (c) that since these time keepers were first employed, certain number of monthly rated workmen were promoted and made permanent and new employees were recruited by the company in the clerical cadre; (d) that the company has been paying bonus to these workmen.

11. With regard to the first contention of the union, as pointed out by Shri Gazdar, the Secretary of the Company, there is no prohibition against making one time keeper maintain the records contemplated by para 21 of appendix D, on two ships. Shri Gazdar explained that on certain ships this company engages tally clerks and others who supervise the loading and unloading work. There are certain other vessels, mostly of the Anchor Line on which outside contractors do tallying and supervising work. In about February 1959, the management arranged that the casual time keepers should go to the first class of ships and take the muster roll of the gangmen and note the hatches on which they are to be employed and these details were filled in by the time keepers, who were thereafter sent to the second vessel to do the normal work of time keepers. The supervisor on the first ship makes an independent daily report, in which, among other things, the idle time etc. is also noted. The supervisor or his assistant copies the idle time in the muster. To this Shri Kotwal could give no satisfactory reply. I am, therefore, not satisfied that the company is in the wrong in asking the time keepers to work on two ships, as it is clear that part of their duties is being discharged by supervisors and their assistants working on the first ship.

12. With regard to the second contention of the union the management has stated that M. Dinshaw & Co. is a sister concern of theirs with a common board of directors and that the man shifts worked by the time keepers as shown in the statements filed by the company, include the hours of work done by those time keepers on the ships of M/s M. Dinshaw & Co. This, if anything, would indicate that if these workmen had been asked to do duty only on the ships of this company they would have got employment for lesser number of shifts. A reference was also made by the union to the comparatively large permanent monthly rated and other staff maintained by M/s. M. Dinshaw & Co. and it was suggested that if M/s. M. Dinshaw & Co. could maintain that staff in spite of the comparatively small quantity of cargo it handles, this company could well afford to make these casual time keepers permanent in service. But that in my opinion is no answer why this company should be mulcted with more permanent staff than the work it handles can possibly justify, particularly when it has other monthly paid clerical staff who can well attend to it.

13. The union at the hearing filed a statement (Ex. W 1) which it has headed as "appointments and promotions" showing that certain number of clerical staff had been granted promotions in 1957 and 1958 and that certain number of clerks had been made permanent in their categories and that new recruits had been taken in certain other categories. Shri Gazdar for the company, however, explained that out of regard for the long services put in by certain workmen they had been made permanent and certain workmen had been promoted to higher posts because of the good work done by them. At the hearing he offered a detailed explanation how clerks of certain categories had come to be recruited and I am satisfied with the explanation offered by him. The union's contention in this regard is that since the company had made certain of its existing clerks permanent, promoted others and recruited new hands, it showed that it had enough work and could well afford to make these time keepers permanent, and that the company had stopped giving work to these time keepers from 5th February 1960, because this dispute has been raised. As against this, Shri Gazdar has pointed out that in November 1959 the company had to retrench 26 bargemen out of 53 permanent bargemen employed by it. The union raised an industrial dispute against this retrenchment and the matter was referred to conciliation. The Government after considering the failure report of the Conciliator held that the retrenchment was justified and refused to refer the dispute to adjudication. Similarly, the company had retrenched 4 apprentice workmen, two in February 1960 and the other two during the end of 1959. The company has also superannuated six senior clerical staff of the supervisory grade during the last six months. It was stated on behalf of the company, and not denied by the union that, in all, the company had superannuated and or retrenched about 50 workmen during

the last six months and that the company has given notice this month to terminate the services of 7 of its launchmen.

14. With regard to payment of bonus, the company stated that bonus is paid to its workmen under a five year agreement with the union and that the basis for payment of bonus is the tonnage handled and that it is not related to profits. It appears that since bonus was paid to all its workmen, these casual workers were also paid bonus. In these circumstances the payment of bonus to these workmen in my opinion would not justify a claim for their permanency.

15. On the above facts and circumstances, I am satisfied that the Union has not made out a case for making the existing time-keepers permanent. I am satisfied that there has been a considerable decline in the work handled by this company and that the work done by the time-keepers is being attended to by the other monthly rated clerical staff, who appear not to have sufficient work to occupy them full time. In the circumstances, the claim fails and is rejected and I award accordingly.

16. Though I have rejected the claim I must record that at the hearing the company gave an undertaking to employ, as required, on a permanent basis any of the 9 time-keepers under reference according to seniority, if at any time the volume of work increases to an extent that it becomes necessary for the company to employ any clerical staff on a monthly basis. This has reference to any type of clerical work normally done by all the categories of dock clerks. I, therefore, record this undertaking of the management.

(Sd.) SALIM M. MERCHANT,

Presiding Officer.
Central Government Additional Industrial
Tribunal, Bombay.

[No. 28/46/59/LR.IV.]

New Delhi, the 15th March 1960

S.O. 688.—In exercise of the powers conferred by section 4 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby makes the following further amendment in the notification of the Government of India, Ministry of Labour, No. S.R.O. 2971, dated the 4th December, 1956, namely:—

In the said notification, for item 9A, the following item shall be substituted, namely:—

“9A. Conciliation Officer (Central)-II, Delhi.
States of Uttar Pradesh and Punjab
and Union territories of Delhi and
Himachal Pradesh.”

[No. F. 1/27/60-LR-I.]

A. L. HANDA Under Secy.

New Delhi, the 10th March 1960

S.O. 689.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Madras, in the industrial dispute between the employers in relation to the Canara Industrial and Banking Syndicate Limited, Udipi and their workmen.

BEFORE THE INDUSTRIAL TRIBUNAL, MADRAS

Friday the 26th February 1960

PRESENT:

Shri K. Ramaswami Goundar, B.A., M.L.

INDUSTRIAL DISPUTE No. 8 OF 1960

(In the matter of the dispute between the workmen and the management of the Canara Industrial and Banking Syndicate Limited, Udipi).

BETWEEN:

The Joint Secretary, Canara Industrial & Banking Syndicate Employees' Union, 8/11, Maclean Street, G.T. Madras.

AND

The General Manager, Canara Industrial & Banking Syndicate Ltd., Mukund Niwas, P.B. No. 23, Udipi.

REFERENCE: LR II-10(97)/59 dated 15th January 1960 of the Ministry of Labour and Employment, Government of India, New Delhi.

ISSUE: "Whether the clerk of the cash branch in the Canara Industrial and Banking Syndicate, Madras, who is asked to hold a key of the single lock cash box under the existing circumstances is entitled to an allowance under para 164(b) of the Bank Award and if not, to what other relief he is entitled."

This dispute coming on for hearing this day upon perusing the reference, the claim and counter statements and other material papers to this dispute and upon hearing the arguments of Sri K. K. Mundul for the Union and of Sri P. P. Shenai, Manager of the Madras Branch for the management, the Tribunal passed the following.

AWARD

The question involved in this reference is whether the clerk of the cash branch in the Canara Industrial and Banking Syndicate, Madras, who is asked to hold a key of the single lock cash box under the existing circumstances is entitled to an allowance under para 164(b) of the Bank Award and if not, to what other relief he is entitled. This syndicate is carrying on banking business with its head office at Udipi and branches in many places including Madras. The reference relates only the Madras Branch. According to the Union representing workers, this syndicate does not have a separate category of cashiers, but persons who are recruited on the clerical cadre are made to work in the cash department where, in addition to the routine duties of a clerical nature, they have to perform certain other duties normally done by cashiers in other banking institutions, that is, they are required to hold the key of the cash box and sign the cash particular book as cashier, along with the manager or Agent and another joint custodian like the accountant. The Union therefore takes the stand that the duty of the cash clerk should cease as soon as he hands over the cash to the Agent or Manager after the day's transactions are over and that on the other hand if the cash clerk is made responsible, even after the cash had been taken over by the Agent or the Manager, for the cash in the cash box and also to sign the cash particular book, it involves additional responsibility as envisaged in para 164(b) of the Sastry Award, and hence the clerk doing this work should be paid an allowance of Rs. 10/- as provided by that Award. In short, the contention is that the responsibility of holding the key and signing the cash particular book entitles the cash clerk to the special allowance prescribed under that Award.

2. Sri Mundul, the General Secretary of the Union appearing for the workers, was not prepared to go so far as to say that the receipt and the payment of cash was not part of the duties of the clerks engaged in the cash section, but contended that they should be relieved of those two duties, namely, (1) holding the key of the cash box, and (2) signing the cash particular book, or if they are asked to do those duties, they should be paid the allowance fixed in the Sastry Award in para 164(b). In fact, on 9th January 1958 the employees of the Madras Branch

presented a written memorandum requesting the syndicate to relieve the cash clerk of the responsibility of holding the key of the cash box since he was not paid the special allowance. As the management could not accede to that request, there were conciliation proceedings, which ended in a failure.

3. But subsequent to the conciliation proceedings, and before this dispute was referred to this Tribunal in January 1960, that is with effect from 18th July 1959, the said demand was conceded by the Madras Branch Manager, under the instructions of the General Manager, and the cash clerk relieved of the duty of holding the key of the cash box. This is admitted by the syndicate in paragraph 3 of its counter statement. It has therefore taken the plea in paragraph 4 of that statement that as the cash clerk has been relieved from the responsibility of holding the key of the cash box after the close of a cash work of the day, the said clerk of the Madras Branch is not entitled to any allowance under the Bank Award. If the responsibility of holding the key of the cash box is taken away, it would follow that the other duty, which is incidental, namely the signing the cash particular book will also go. In paragraph 6 of the counter statement, the management has repeated that subsequent to July 1959, the cash clerk merely handles cash during business hours and has no further responsibility in the matter and has no custody of the cash after the end of the day. In fact, Sri Shenoy, the Manager of the Local Branch, who appeared in this enquiry, has no objection to those disputed duties being taken away from the cash clerks. If so, they will not be entitled to claim the special allowance fixed under the Bank Award.

4. The result therefore is that the clerks posted to work in the cash section of the Madras Branch will be under no obligation to do the two-fold duties, namely, (1) holding the key of the cash box, and (2) signing the cash particular book; but if any of them is asked to do those duties he will be paid the special allowance fixed in paragraph 164(b) of the Sastry Award.

5. Sri Mundul for the Union also raised the contention that for the past services, the clerks should be paid the arrears of the special allowance from 1st April 1954 when the Bank Award came into force till 18th July 1959, when these duties were taken away from them. But it will be seen that till 9th January 1958, these clerks were discharging those duties without any protest, and it was only on that date that they submitted the memorandum for being relieved of those duties. That being so, they will be entitled to the special allowance only from that date and not earlier. As the clerks have in fact discharged those duties, as per the terms of the Sastry Award they must be paid the special allowance for the period from 9th January 1958 to 18th July 1959.

6. Sri Mundul for the Union also pressed for the costs of this reference to be paid by the management on the ground that he had come all the way from Bombay at some expense. But it will be seen that soon after the report of the Conciliation Officer, reporting the failure of his attempts, the management of its own accord relieved the workers of the disputed duties, and it was not the fault of the management that subsequently in January 1960 this reference came to be made by the Central Government. I will therefore make no order as to costs.

7. There will be an award in the above terms.

(Sd.) K. RAMASWAMI GOUNDER,

Industrial Tribunal.

[No. LRII-10(97)/59.]

New Delhi, the 11th March, 1960

S.O. 690.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Delhi, in the industrial dispute between the employers in relation to the Central Bank of India Limited, Delhi and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL: DELHI

PRESENT:

Shri E. Krishna Murti,
Industrial Tribunal.

13th February, 1960.

I. D. No. 619 of 1959

BETWEEN

'The employers in relation to the Central Bank of India Ltd., Delhi.

AND

Their workmen

Shri R. P. Oberoi *for the management.*

Shri H. L. Parvana & Shri V. N. Sekhri *for the workmen.*

AWARD

By G.O. No. LR-II-10(117)59., dated the 14th December, 1959, the industrial dispute, between the employers in relation to the Central Bank of India Limited, Delhi and their workmen has been referred to this Tribunal for adjudication under Sections 10(1)(d) and 12(5) of the Industrial Disputes Act, 1947.

2. The terms of reference is as follows:—

Whether the Central Bank of India Limited are justified in disallowing payment of water scarcity allowance to its employees appointed at, or transferred to its offices at Hissar, Hansi, Sirsa, Kaithal, Ambala City, Karnal, Panipat, Sonapat, Rewari and Rohtak after the enforcement of the modified Sastry Award and if not, to what relief such employees are entitled?

3. It is alleged on behalf of the workmen, that the management of the Central Bank of India Ltd., had been paying water scarcity allowance to all their workmen at their Company's Offices in Ambala Division at varying scales, according to the status of the workman, that the Bank has discontinued paying the said allowance at certain offices, to new employees, or to employees transferred from other offices, that the Bank has discontinued such payment, on the ground, that it was not obligatory to make payment of water scarcity allowance, and that such payment was at its discretion, that the action of the Bank is against the Sastry Award, and that the Bank management should be directed to make payment of the water scarcity allowance to its employees, appointed at or transferred to its offices at Hissar, and other places, and that the same should be directed to be paid for the whole year, and not for 7 months in the year.

4. The contention on behalf of the Bank is, that it is true, that water scarcity allowance was being paid at the rate of Rs. 5/- and Rs. 2/- per month respectively to the members in the clerical and subordinate cadre, that this allowance was being paid at a time when the scales of salary and dearness allowance were low, that the said allowance was granted on humanitarian grounds, that the contract of service does not provide for payment of such allowance, that there is no provision in the award for payment of the same, that the action of the Bank is not discriminatory or illegal, and that the workmen are not entitled to the relief claimed.

5. Both parties are agreed, that the issue is as in the term of reference

6. This is a dispute between the employers in relation to the Central Bank of India Limited, Delhi (hereinafter to be referred to as the Bank) and their workmen, in regard to payment of water scarcity allowance.

7. The question, referred is, whether the Central Bank of India Limited are justified in dis-allowing payment of water scarcity allowance to their employees appointed at, or transferred to its offices at Hissar, Hansi, Sirsa, Kaithal, Ambala City, Karnal, Panipat, Sonapat, Rewari, and Rohtak.

8. The case of the workmen is, that the management of the Central Bank of India Ltd., had been paying water scarcity allowance to all their workmen at their offices in the above-mentioned places, but that they recently discontinued paying the same, to workmen newly appointed, and to workmen transferred to the above-mentioned places from other places. It is stated in paragraph 9 of the

Bank's written statement, that the Bank refused to make payment of water scarcity allowance to such of the employees, who were appointed at or transferred to their offices, after the enforcement of the modified Sastry Award, as such payment was purely a matter within the discretion of the Bank.

9. In the first place, the contention on behalf of the Bank is, that there is no obligation to pay the water scarcity allowance, and that it is not a condition of service. The contention on behalf of the workmen, in answer, is, that it has become a condition of service, that the contention of the Bank cannot be sustained in face of the provision in the Bank Award, and that, therefore, the Bank is not entitled to dis-allow payment of such allowance. It is necessary to refer to Paragraph 179 of the Sastry Award (page 53), which is as follows:—

“SCARCITY ALLOWANCE.—Presumably as the name itself shows it was given at certain places where scarcity conditions prevailed. There was no regular demand before us. All that we could elicit was that the Central Bank of India was paying an allowance in certain areas where there was water scarcity and it was prepared to continue the practice. No specific directions are called for.”

The Bank have relied upon the fact, that there was no regular demand for payment of such scarcity allowance before the Sastry Tribunal, and that it cannot be held, that payment of such allowance has become a condition of service, by reason of the Sastry Award. I am unable to up-hold this contention. It is important to note, that it was admitted before the Tribunal, that the Central Bank was paying an allowance in certain areas, where there was water scarcity. Further more the Bank expressed its willingness to continue the practice. It was because the Bank was ready and willing to continue the practice, that no specific directions were given in the Sastry Award, that such payment should continue to be made in future by the Bank. It is admitted before me on behalf of the Bank that Paragraph 179 has not been modified by the Labour Appellate Tribunal. The Bank cannot take shelter under the plea, that no specific directions are given in Paragraph 179, expressly directing the Bank to pay such allowance in future. Because the Bank gave an undertaking, that it was prepared to continue the practice, no such directions were given. I fail to see how the Bank can go back on the undertaking given before the Tribunal. Having made the Tribunal believe, that it was prepared to continue the practice of paying the water scarcity allowance, it is not open how to the Bank to turn round and say, that the matter of such payment is one of discretion. I find, that the payment of water scarcity allowance is a condition of service, and that it must be paid in accordance with the decision in the Sastry Award, to persons, working in the areas where there is water scarcity.

10. In the second place, the contention is raised, that the said allowance was being given at a time when the scales of pay and dearness allowance, paid to the Bank employees, were low, that, after the Sastry Award, the workmen have obtained substantial increase in their pay, and that, therefore, there is no need for payment of the scarcity allowance. This contention also is untenable. The payment of water scarcity allowance depends not upon the pay-scales of the employees, but upon the fact, that the workmen are put to inconvenience, and obliged to incur additional expenditure on account of there being scarcity of water supply in such places. When the Bank gave an undertaking, that it was prepared to continue payment of the same, it is not open to the Bank now to plead, that, in view of the upward revision of pay-scales, and the increase of dearness allowance, there is no further obligation on its part to pay the same. This contention also is opposed to the Award particularly Paragraph 179, and cannot be up-held.

11. In the third place, the contention raised before me is, that in the several places, that are referred to in the reference, there is in fact no water scarcity, that the conditions, which necessitated the payment of such allowance, do no longer exist, and that, in these circumstances, the management of the Bank are justified in dis-continuing the same. Thus it falls to be determined, whether the water scarcity exists, or does not exist, in the several places, that are mentioned in the order of reference.

1. HISSAR

12. On the side of the Bank, we have the evidence of Shri Lekhraj MW 2, who is Incharge, Hissar Branch of the Bank. According to him, he is in the service of the Bank for the past 27 years. He obtained Exts. M/3 and 4 from the Municipal President, and Ext. M/5 from the Market Committee. He says, that there is no scarcity of water in Hissar. There are street taps. He however admits, that

there are no taps in the houses. The street taps supply water during restricted hours. MW3 is Shri Ram Das Khanna, who is a clerk at the Bank's Branch, Hissar. He says, that he is working therein for the last 10 years. He has a hand-pump in the house. He is not a member of the Union. MW4, Shri Shantipal is a Godown-Keeper at Hissar. He has got his house 10 or 15 feet from the municipal tap. There is no scarcity of water in Hissar, and there is no restricted water supply in the taps in Hissar, and there is water for the whole time in the taps. It does not flow during restricted hours. This is against the evidence of MW2, MW4 is a Godown-Keeper, and is not a member of the Union. I am not prepared to place any reliance on the above evidence, in proof of the fact, that no longer does water scarcity exist in Hissar. It may be, that the Municipality has introduced water supply system, but the supply is only restricted to street taps, and that too only during restricted hours. Shri Lekhraj is even now getting an allowance for water scarcity from the Bank. This is important, because even the Officer-in-charge of the Bank is getting it. The evidence of Shri Ram Das Khanna is, that he is also getting water allowance of Rs. 5/-. MW 4 has deposed, that he does not want Rs. 5/- towards allowance.

13. On the other side, we have the evidence of the workmen, which proves, that there is water scarcity in Hissar, even now. I find, that the water scarcity in Hissar even now exists and that there is no reason or justification for discontinuing the water scarcity allowance.

II. HANSI

14. MW 6, Shri Om Parkash, is the Officer-in-charge. He is in Hansi from 1957. Exts. M/10 and 11 are the documents given by the Municipal Committee. He says, that a Pumping set had been installed in the town. In cross-examination he admits, that he is putting up in a house, where there is no water tap. His house is close to a public tap. The supply in the street taps is restricted. There are many wells and pumps, and many persons make a living by carrying and supplying water to the inhabitants as so much per pot. The water got from the taps is drinking water. Other water has got to be brought for boiling Dal. The evidence on behalf of the management does not prove, that water scarcity conditions do not exist in Hansi.

15. On the other hand, it is important to see, that Shri Om Parkash is even now getting water scarcity allowance for 7 months in a year, from April to October. I find, on a consideration of the evidence on either side, that there is water scarcity in Hansi even now and that such conditions have continued to exist.

III. SIRSA

16. MW 2, Shri Lekhraj, deposes, that Exts. M/6 and 7 were given to him by the Municipal Committee at Sirsa. MW 10, Shri Ramanand, says, that he has been living in Sirsa from a long time. The Municipal Committee sunk tube wells. There are hand-pumps in houses. There is no difficulty in getting water in Sirsa. In cross-examination he admits, that he has employed a paid servant to pump water from the hand-pump. He does not know, if the Bank employees have got pumps in their houses. The Municipal Committee had not supplied taps to houses, though there is a proposal to supply them in 2 or 3 years. It is important to note, that this witness is the Investing Agent, Central Bank, and, according to him, his commission from the Bank varies from Rs. 7,000/- to Rs. 15,000/- per half year. He is not such a dis-interested witness as he poses to be. MW/II is Shri Mansaram, who is the Officer-in-charge at Sirsa. He says, that the Municipal Committee has provided taps, that there are hand-pumps in houses, that Shri Dugal and Shri Sarup Singh, employees of the Bank, have got hand-pumps in their houses, and that there is no scarcity of water. In cross-examination he says that the municipal taps are only in streets, and that there is only restricted water supply. He has himself to pay Rs. 5/- to a servant to get water. His sons also help in getting water. From the evidence of the witnesses above referred to, it is clear, that there is scarcity of water in Sirsa. Even the Officer-Incharge of the Bank is obliged to utilise his sons' services to get water, and also to employ a servant on payment of Rs. 5/- per month. It is also admitted in the evidence of MW II, that the population of the town is growing, that new colonies have developed, and that the area of the Municipal Committee has increased. It is clearly inferable, that there is great pressure on the limited water supply available. There is no denying the fact, that there is water scarcity in Sirsa.

17. On behalf of the workmen, reliance has been placed on Ext. W/6, which is a communication from the Municipal Committee, Sirsa, wherein it is stated, that there is great water scarcity, and that Rs. 3/- per month has to be paid to a water-man for one pitcher of water. Ext. W/11 is another communication to the same effect. I find, from the evidence, that water scarcity conditions still prevail in Sirsa.

IV. KATHAL

18. No person has been examined on behalf of the management. We have the evidence of WW 5, that water scarcity conditions prevail in Kathal. I find, that water scarcity exists in Kathal.

V. AMBALA CITY

19. MW8 is Shri Kartarsingh Puri, who is the Officer-in-charge at Ambala. He has produced Exts. M/14 and 15, as having been obtained from the Executive Officer. The evidence of MW 8 is, that there are municipal water taps in houses as well as streets. He has a water tap in his house. There is plenty of water supply in Ambala. In cross-examination he deposes, that there is water supply from 5 A.M. to 6-30 A.M., and then from 7 to 8-30 A.M., and then again from 4 to 5-30 P.M. It is clear, that there is restricted water supply. By mistake he was paid water scarcity allowance for 9 months, but he was obliged to pay it back. He admits, that there has been an increase in the population since 1951. I am not prepared to hold, that there is no water scarcity in Ambala. On the other hand, it is admitted by MW 8, that the Peons get water in pitchers. It cannot be expected, that other employees of the Bank can employ the Peons to secure water for them. It is perfectly obvious, that there is water scarcity in Ambala City, and that the same still continues.

VI. KARNAL

20. MW1, Shri D. N. Bal, who is Officer-in-Charge at Karnal, says, that Ext. M/I is the affidavit given by the President of the Municipal Committee. There are taps in Karnal. There is water tap in his house, and also in the houses of some of the employees of the Bank, but the other employees have no water taps in their houses. In cross-examination he says, that there has been increase in population. The water Works started in 1957. There is restricted water supply in the taps. In spite of introduction of water supply there is only restricted water supply, and water scarcity conditions still persist in Karnal. I find accordingly, and hold, that there is water scarcity in Karnal.

VII. PANIPAT

21. MW 5, Shri Murtiram, is Officer-in-charge, Panipat. He obtained Exts. M/8 and 9 from the Water Works Superintendent. He says, that he has got a tap in his house. Some of the Bank employees have got taps in their houses. He asserts that there is no water crisis in Panipat. In cross-examination he admits, that he was paid water scarcity allowance for 5 months, but it was stopped in January, 1960. It is important to note, that this witness is putting up in the Bank's premises. It is also important to note, that this witness has admitted that Shri Mehta and Shri Sahani are getting water allowance, even though there is water tap in Shri K. C. Mehta's house. His evidence discloses that there is restricted water supply in the city, and that there are frequent interruptions in water supply, because of break down of power supply. WW 3, Shri Jagdish Mittar, is the President of the Municipal Committee, Panipat. He says, that there is a lot of complaint about the inadequacy of water supply. There is supply of water only for two hours in the morning and two hours in the evening. Even this is uncertain, because of power break down. He says, that no house taps have been given, because it was found impracticable, as there was not enough water. There were cancellation of house connections. The water in wells is brackish, and unfit for use. WW 6, Shri K. C. Mehta, who is an employee of the Bank, deposes, that there is no tap in the house, in which he resides, and there is very great difficulty in getting water from the street tap. He has to employ a man to get water. His co-workers also suffer in a like manner. The evidence taken as a whole, does lead to the conclusion, that there is scarcity of water in Panipat. It may be that MW 5, the Officer-in-charge of the Bank, and residing in the Bank premises, may not have much to complain of, but the Bank employees are certainly entitled to say, that there is scarcity of water. I find, that water scarcity prevails even now in Panipat.

VIII. SONEPAT

22. WW4, Shri Ram Dev Sapra, who is a Press Correspondent, deposes, that water supply in Sonepat is scarce, and that the sub-soil water is brackish. Drinking water can be had from a place about 1½ miles away from the town. In the city there is no drinking water available at all. There are persons, who make a livelihood by supplying water. His further evidence is, that there are quarrels and clashes at the public taps in the streets.

23. Among the documents, produced on behalf of the workmen, we have Ext. W/1, which is a communication from the Administrator, Sonepat Municipal Committee. Exts. W/8, 9, and 10 have also been relied upon as the communications received in support of the plea, that water scarcity conditions exist even now. A consideration of the entire evidence taken as a whole establishes, that the contention on behalf of the management, that there is no water scarcity in Sonepat, cannot be accepted. I find, that there is water scarcity even now at Sonepat.

IX. REWARI

24. On behalf of the management, we have Ext. M/16, an affidavit of Shri Mangat Rai, Officer-in-charge, Central Bank of India Ltd., Rewari. He says, that he obtained a letter, Ext. M/17, from the Executive Officer, Municipal Committee. What is mentioned in Ext. M/17 is, that there are 367 house connections, and that a water supply scheme, costing about 10 lakhs was under execution. It is further mentioned, that it was hoped, that, after completion of the scheme, there would be adequate water supply. Ext. M/17 cannot be taken as dis-proving the existence of water scarcity conditions at present at Rewari. I find, that water scarcity conditions still continue to exist in Rewari.

X. ROHTAK

25. MW7, Shri Balkishan Batra, who is Junior Officer, of the Bank at Rohtak, says, that he is Officer-in-charge from 1957. He produced Exts. M/12 and 13, as having been given by the Municipal Committee. He names certain employees as having taps in their residence. He mentions that some employees have hand-pumps. In cross-examination he explains, that since 1953 scarcity conditions have improved. He admits, that Shri Parmani lives in the Bank premises, and that there is a water tap in the Bank premises. He is the Officer-in-charge of the Bank. The Municipal Committee supply water for two hours in the morning and two hours in the evening. It is noteworthy, that this witness is getting Rs. 5/- towards water scarcity allowance.

26. On behalf of the workmen, WW1, Shri Devraj Sethi, who was an M.L.A., representing Ambala City, till 1957, has given evidence, that there is acute scarcity of water supply in Rohtak. The population now is 1,23,000, whereas the water supply is meant for a population of 45,000. The population has outstripped the supply. At the municipal taps there are long queues and quarrels and scramble for water. He denies, that there are any hand-pumps, because the water pumped out from the wells is brackish. WW1 was a member of the Municipal Committee, which was superseded. WW2 is Shri Mangal Sen, who is an M.L.A., representing Rohtak Constituency, and he has spoken to the fact of existence of water scarcity in Rohtak. He also put interpellations in the Assembly, and Ext. W/4 has been referred to in support of the same. Shri Mangal Sen says, that he led a deputation and also carried on agitation over this question of adequate supply of water. He says, that there were Police firing and Lathi charge about supply of water. The firing took place in 1949. WW5, Shri Chawla, is the Head Clerk of the Central Bank of India Ltd. at Rohtak. He gets water scarcity allowance. There is very great scarcity of water in Rohtak. He lives in the first floor, and he has to employ a servant to get water from the public tap. He deposes, that he wrote to the Administrator, and got the reply Ext. W/3. He pays water charges to the servant, i.e. Rs. 5/-. He has to go to the street tap every day for water. In my opinion the evidence establishes beyond doubt that there is water scarcity in Rohtak. Even though a water supply scheme had been introduced, scarcity conditions still persist, and prevail. I find accordingly.

27. On an examination of the evidence on either side, I have no hesitation in concluding, that water scarcity conditions do exist even now, have continued to exist from 1951, in all the places now in question. There is enough and satisfactory proof about the same. The attempt on behalf of the Bank, to establish, that no longer do such scarcity conditions exist in the places mentioned above, is a failure. The evidence on behalf of the Bank, in proof of their plea, is unsatisfactory, and cannot be accepted. I find, that water scarcity conditions have prevailed and still prevail in all the places referred to above.

28. When there is still water scarcity in the several places, referred to above, there is no justification for dis-allowing payment of water scarcity allowance which was being paid hitherto. Much more so is this, when it has been elicited in the evidence of some of the witnesses on behalf of the management, that some officers-in-charge are getting water scarcity allowance. To make payment of water scarcity allowance to one class of employees, and deny the same to another class is hardly conducive to industrial peace, and is designed to produce industrial discord. Such discrimination is unlawful, and cannot be permitted to be practised by the Bank.

29. It is argued on behalf of the Bank, that the witnesses on behalf of the management, who have admitted, that they are in receipt of water scarcity allowance, are those who were in the service of the Bank at the time of the Bank Award, and that new entrants, and others, transferred to the places mentioned above from outside cannot claim the same. The justification for payment of the disputed allowance is water scarcity. Because of the scarcity of water, and difficulty of getting reasonable quantity of the same, the Bank had been paying water scarcity allowance. There is no point in making a distinction between employees, who were in service at the time of the Bank Award, and those who were not, when water is a necessity of life to both kinds of employees and when water scarcity continues. Such distinction is unsupportable.

30. The further argument, that has been put forward, is that, even granting without admitting, that in Paragraph 179, referred to above, there was an undertaking given by the Bank, that it was prepared to continue to pay water scarcity allowance, it cannot apply to new entrants, who were appointed by the Bank after the date of the Sastry Award, and to those who began to serve in the places mentioned above subsequent to that date by reason of transfer to the said places. This again is an argument which cannot be up-held. There is an unconditional undertaking on behalf of the Bank to continue payment of the water scarcity allowance in Paragraph 179. There is nothing in the language of that paragraph to restrict the operation of that undertaking only to those, who were in the service of the Bank at that time. It cannot be held that it has no application to those who were appointed later, and to those who were posted to such places subsequent to the date of the Award. In my opinion, the Bank is under an obligation to pay water scarcity allowance to new entrants, who were appointed later, and also to those who were transferred to these places, or who may hereafter be transferred to these places, because it is for meeting the increased expenditure on account of obtaining supply of water under difficult conditions, that this compensatory allowance is being given. The management of the Bank are under an obligation to pay such allowance as long as such scarcity conditions prevail, and persist. I have found above, that in all the places, referred to in the order of reference, there are water scarcity conditions prevailing even now, and have been prevailing ever since the date of the Award, and from prior thereto. I find, that the management of the Central Bank of India Limited are not justified in refusing payment of water scarcity allowance to its employees in the above-mentioned places, whether appointed at these places, or transferred to the offices of the Bank at these places, and whether appointed and transferred before or after the Sastry Award. The Bank must continue to pay the same from the time such payment was disallowed to the workmen serving in these places.

31. The question next is about the length of period, for which such payment should be made. On behalf of the workmen, there is a demand, that it should be paid for the whole year. The contention on behalf of the Bank is, that in any case, there can be no claim for payment of such allowance for more than 7 months in a year. It is in evidence, that it is being paid for 7 months in a year to the employees who are receiving the same. There is no good ground justifying the demand for payment of the same throughout the year. Such payment is intended to help the employees during the time of water scarcity during the hot months. I find that the water scarcity allowance should be paid only for 7 months in a year, i.e. from April to October, inclusive, and not for the other months.

32. In the result, an award is passed as follows:—

(i) The management of the Central Bank of India Limited, shall pay water scarcity allowance, at the rate of Rs 5/- and Rs. 2/- per month, for seven months during the year, i.e. from April to October, inclusive, to the clerical and subordinate staff respectively, serving in the undermentioned places, irrespective of the fact whether such employees were appointed at such places before or after the

date of operation of the Sastry Award, or whether such employees were transferred to the offices of the Bank at the said places, from outside places.

1. Hissar.
2. Hansi.
3. Sirsa.
4. Kaithal
5. Ambala City
6. Karnal.
7. Panipat.
8. Sonapat.
9. Rewari and
10. Rohtak.

(ii) The said amount of water scarcity allowance, as directed to be paid above, shall also be paid from the date when payment to such employees was discontinued.

(iii) There will be no order as to costs.

(Eighteen pages)

13th February, 1960.

Sd.) E. KRISHNA MURTI,
Central Govt. Industrial Tribunal, Delhi.

[No. LR II/10(117)/59.]

S.O. 691.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Bhagaband Colliery and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

REFERENCE No. 20 OF 1959

PARTIES:

Employers in relation to Bhagaband Colliery

AND

Their workmen.

PRESENT:

Shri G. Palit, M.A.B.L., Chairman, Central Govt. Industrial Tribunal, Dhanbad.

APPEARANCES:

For the employers.—Shri M. S. Bala, with Shri P. K. Mitter, and Shri J. L. Sinha.

For the workmen.—Shri D. L. Sen Gupta, Advocate, with Shri D. Narsingh, M.A.L.L.B., Advocate, with Shri B. N. Sharma, Member, Executive Committee, Colliery Mazdoor Sangh, Dhanbad.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, the 29th February 1960

AWARD

The Government of India, Ministry of Labour & Employment, by Order No. LR.II-1(14)/59-I dated 31st March 1959 made in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (XIV of 1947) referred to Shri Sallm M. Merchant, the then Industrial Tribunal at Dhanbad, for adjudication of the industrial dispute between the parties above named in respect of the matters mentioned in the schedule to the said Order. As, however, his services ceased to be available and also on grounds of convenience and quick disposal, the Central Government withdrew the proceedings in relation to the said dispute under Section 33B(1) of the said Act and referred the same

to me as the Industrial Tribunal, Dhanbad, for disposal (*vide* Order No. 4/47/59-LRII dated the 13th January 1960).

2. The issues as they stand for adjudication as per the schedule to the order of reference are as follows:—

- “(1) Whether the refusal of the miners to accept the tokens and to go down the mine without an assurance from the management that tubs would not be checked at the pit top but would be checked underground at the work place as was the practice before was justified?
- (2) Whether the management of the said colliery is justified in introducing a change on the 16th March 1959, that the tubs would be checked at the pit top?
- (3) Whether the management's action in laying off all the workmen of the said colliery from the mid-night of 16th March, 1959, was justified, and if not, to what relief are they entitled?”

3. After the usual notices, the workmen filed their written statement on 16th April 1959. The management filed its written objection on 5th May 1959. On 11th June 1959 a Corrigendum was received from the Government. After several adjournments the case was taken up for hearing on 29th January 1960 when at the instance of the management the Agent of the Bhagaband colliery at Loyabad was examined on commission. The actual hearing took place on 4th February 1960. It was continued on 5th February 1960 when the evidence was concluded. Further evidence was taken on 25th February 1960 and the argument was heard and concluded. The award was reserved.

4. Issue No. 1

From this very issue it is manifestly clear that the miners refused to accept the tokens and to go down the mine because an assurance from the management about the tubs not to be checked at the pit top but underground as was the practice hitherto followed was not forth-coming. The point required to be decided is whether such refusal was justified. The employers gave a timely notice for introducing the token system with effect from 16th March 1959 under Section 9A of the Industrial Disputes Act, 1947 as amended in 1956. Three weeks time was given. There was no objection forth-coming from the workmen or as a matter of that from the union. On 16th March 1959 the workmen first of all raised the objection that the change of shift incidental to this token system must not be undertaken. The company agreed and acquiesced in the said proposal. Then the workmen raised the question as to the liability in the event of the token being lost. That was also settled. The management accepted the proposal of the miners that if the token was not lost through the negligence they would not be held liable. Then the miners raised the question that the management must give an assurance or undertaking that the checking of tubs must not be done on the surface. It should be done underground as was hitherto the practice. Possibly this taxed the patience of the management and they refused to give any such undertaking. It is the contention of the management that as in the notice of change they have not sought to introduce this checking of tubs on the surface, this must not arise. It was more or less a hypothetical question. Miners should go down to work, take the tokens with them, and await the events. The miners have, however, thought that the token system which was going to be introduced for the first time was the thin end of the wedge. The surface checking of the tubs would closely follow. The management kept it up its sleeves for the time being. So once they submit to the token system they may be trapped to acquiesce in this surface checking of tubs which they strongly resented. So neither did they take the tokens nor did they go down the mine. The point is whether this was justified. Now, I must answer straightaway that this conduct of the miners could never be justified so far as their refusal to work was concerned. As the notice of change under Section 9A did not contain any clause about this surface checking of tubs, there was absolutely no occasion for the miners to demand an assurance from the employers that the surface checking should never be done. It is likely and even may be probable that the management had in its mind the introduction of surface checking of tubs not at a distant date. But to refuse to work on the basis of such fancied and imaginary apprehension can never be justified. So this concerted refusal to accept either the tokens or to go down the mine on 16th March 1959 plainly amounted to strike as defined in Section 2(q) of the Industrial Disputes Act, 1947 since amended. There was at this time a reference pending between the parties, that being Reference No. 2 of 1959. So such strike would be on the

face of it illegal under Section 24(1) being in contravention of Section 23(b) of the Act. It is contended that the pending reference before this Tribunal was in respect of the service condition of the clerical staff. So it may be construed as relating to a different establishment. But the learned advocate on behalf of the union certainly erred in saying this, because Section 23(b) does not contain any reference to any establishment. It is enough if there is a proceeding pending between the parties, I mean the employer and the employees of the concern before the Tribunal, during which the strike took place. It is only in respect of Section 23(c) of the Act that the subject matter of the two proceedings is required to be identical. Now, the strike in question being illegal it can at once be held also that it was not justified. No illegal strikes can ever be justified. Just to wriggle out of this tight corner, the union contended that it was the management which declared a lock-out on 16th March 1959. It is stated that a notice was given for the purpose. Where is that notice? All the evidence that I had from the union is that the Agent of the colliery just handed over a slip to the Attendance Clerk and verbally said that he was going to declare a lock-out. If the management had declared a lock-out then there was no question of giving lay-off notice again. So either the lay-off and the lock-out were confused together or there was only lay-off and no lock-out. Even assuming that there was a lock-out declared by the management after the miners had embarked on strike, then that lock-out would cease to be illegal because it was in consequence of an illegal strike, as found by me already. This will be under Section 24(3) of the Industrial Disputes Act, 1947. Even if I turn to the sequence of events, I find no justification of contending that the company had declared a lock-out. The company gave a notice of change under Section 9A of the Act in due time. It waited for the notice period to lapse. When there was no objection, it wanted to enforce the token system. The miners, as it will appear, raised lots of objections before submitting to the token system. Those are conceded by the management, except when the workmen wanted this assurance that there would be no surface checking of tubs in future. Can any management give such an assurance for all times to come? The miners should have awaited the course and development of events. If the surface checking was really introduced, they would not have lost their opportunity to raise objection to it if they were so minded. It is not that the token system carried with it necessarily the surface checking of tubs. It is admitted by the union in its written statement that there are many collieries where there are token systems but no surface checking of tubs. That is also what has been found by the Conciliation Officer. So where was this apprehension? The management has explained what it meant by saying that the token system was introduced for ensuring more accurate checking. I quote from the written statement of the employer in para 3:

"That the token issued to a miner and attached to a loaded tub would indicate (a) the specific tub loaded by him, (b) the type and extent of loading and (c) the kind of coal loaded i.e. coal, shale, pick coal, blasted coal, machine cut coal or coal from prohibited area etc. It may be noted that miners are paid on the number of tubs loaded by them and that accurate recording of this number is therefore essential.

That clearly shows what was really meant by the notice in question."

5. Having regard to all these facts and circumstances, I find that the stoppage in question was absolutely unjustified. It was a strike and manifestly an illegal strike. The plea of lock-out is only to prop up a bad case otherwise untenable.

6. This issue is not happily worded. It indicates as if the colliery was introducing a change that the tubs would be checked at the pit top with effect from 16th March 1959 and whether its action can be justified. As I have already shown that whether the management wanted to introduce the surface checking of tubs remained to be substantiated. The management denies it. The miners also wanted an assurance that this should not be introduced. So it is clear that it was not introduced. If it was not so, how can the Tribunal answer a hypothetical question namely if it was introduced whether the action would be justified. Be that as it may, taking the issue as it is, I find that if the management really wanted to introduce this change, apart from the merit of the matter, I must find that it was not justified. It is in evidence that this system of surface checking of tubs was not in vogue in this colliery. It is also conceded by the management that in notice under Section 9A this change was not incorporated nor contemplated. The learned Advocate on behalf of the management tried to twist the language of the notice under Section 9A and wanted to show that the surface checking of tubs might be included in the said notice. But later on he became more wise and abandoned this interpretation and I must say advisedly. First of all the

notice must be explicit. It can never be vague. Even if vague, its benefit cannot go to the giver of the notice. It must go to the addressee of the notice. In this case even if the language is stretched to its farthest limit, I am unable to conclude that the notice under Section 9A would convey to the miners that the surface checking of tubs was there. Considering the warmth of feeling entertained on this point, I am sure that the miners would have raised immediate objection if the notice did really contain any such expression. Even the management in its written statement gave up this position. It preferred to take up the position, namely, that by the notice under Section 9A such change was not contemplated. Now, if this be the legal position, then the introduction of such change without any notice under Section 9A would be contrary to the provision or the said Section. So that would be irregular if not illegal. At all events, it is not justified. If the management actually wanted to introduce this change it must bravely face the situation. There should be a specific dispute posed for adjudication. The Tribunal would, on deciding all pros and cons of the matter, give its finding. Such change cannot be introduced collaterally. So I find that this introduction of surface checking of tubs academically speaking in the absence of compliance with Section 9A of the Act is unjustified.

7. Issue No. 3.

It is the contention of the union namely that the miners in the third shift should not have been laid-off as also the workmen in other departments. The miners in the third shift did not refuse to work. The workmen in the other departments had lots of work in hand. It is amazing to find that if two shifts had gone on strike, the management will have to wait still just to see what the third shift wants to do. Unless they join the strike, they should not be laid-off. If this is accepted as a proposition, then the striking miners will have to be separated from non-striking miners in the case of a strike. This position never admits of any solution. So, that would be an argument which is hardly impressive. Then the learned Advocate on behalf of the Union contends that the workmen in other departments should not have been placed under lay-off order. But here in this case lay-off was declared under Section 25E(iii) of the Industrial Disputes Act, 1947 since amended. It runs thus:

"No compensation shall be paid to a workman who has been laid-off—

If such laying-off is due to a strike or slowing down of production on the part of workmen in another part of the establishment."

So it is not a normal lay-off that was resorted to in the present case. The management would be justified in laying-off of workmen in another part of the establishment when there is a strike in one part. I find that there was a strike launched by the miners. It could not be disputed that the workmen who have been laid-off also belongs to this establishment. So the management's action was justified. It is immaterial whether these men in other departments had any work in hand or not. That would have arisen had it been a case of normal lay-off under Section 25C. So I find that the management's action in laying-off on the 16th March 1959 was justified. The workmen are entitled to no relief.

8. Before parting with the records of this case, I think it is worthwhile to refer to the argument of the learned advocate on behalf of the union that the strike in this case, if there was any, was not in breach of contract and as such Section 23 of the Act was not contravened. So it was not an illegal strike. It is contended that this surface checking of tubs was never a condition of service and so miners are justified in embarking on strike when this new service condition was sought to be imposed. I am glad that the learned Advocate has not stated that the token system was also not a condition of service. Had he said so, he would have been at once met by the argument that it was a change of the service condition which was duly effected under notice of change under Section 9A. With regard to the condition of surface checking of tubs I have already found that it was not imposed upon the miners. I have also found that the miners could not be justified in haphazardly launching upon a strike under a mere misapprehension. Strike should be resorted to as an extreme measure when other remedies have failed. But here the miners had recourse to it even on the supposition of an imaginary wrong likely to be committed by the management. So this argument of the learned advocate of the union does not hold any water.

(Sd.) G. PALIT,

Chairman,
Central Govt. Industrial Tribunal,
Dhanbad.

Dhanbad,
The 29th February 1960.

S.O. 692.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Additional Industrial Tribunal, Bombay, in the industrial dispute between Messrs Singareni Collieries Company Limited, Kothagudium Collieries Post Office, Andhra Pradesh and their workmen.

**BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL
TRIBUNAL, BOMBAY**

REFERENCE (CGIT) No. 7 of 1960

Messrs. Singareni Collieries Co. Ltd., Kothagudium Collieries P.O., Andhra Pradesh.

AND

Their workmen.

PRESENT:

Shri Salim M. Merchant, Presiding Officer.

Dated 5th March 1960.

APPEARANCES:

For the employers: Shri D. Narsingh, Advocate instructed by Shri Bhaskarachari, Personnel Manager, Singareni Collieries Co. Ltd., Kothagudium.

For the workmen: Shri D. H. Buch, Advocate, instructed by Shri Narayan Reddy, General Secretary Andhra Pradesh Coal Mine Workers' Federation, Kothagudium

INDUSTRY: Coal mining.

STATE. Andhra Pradesh.

AWARD

The Central Government, by the Ministry of Labour and Employment Order No. LR.II-1(8)/59, dated 8th August 1959 made in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Act XIV of 1947), was pleased to refer for adjudication the industrial dispute between the parties above-named to Shri F. Jeejeebhoy, Presiding Officer, Central Government Industrial Tribunal, Bombay. However, before the Reference could be taken up for hearing by Shri Jeejeebhoy, in view of the fact that a large number of proceedings were pending adjudication before the said Tribunal and the Central Government considered it desirable that the said dispute should be adjudicated expeditiously, by Order No. 4/12/60-LR.II-3, dated 21st January 1960, made in exercise of the powers conferred by sub-section (1) of section 33B of the Industrial Disputes Act, 1947 (Act XIV of 1947), the Central Government was pleased to withdraw the proceedings in relation to the said dispute pending before Shri F. Jeejeebhoy and to transfer the same to me as Presiding Officer of the Central Government Additional Industrial Tribunal, Bombay.

After the said transfer, the hearing of the dispute was fixed on 18th February 1960.

The subject matters of the dispute as stated in the schedule are as follows:

SCHEDULE

- (1) Whether the dismissal of Shri Perka Durgiah, Coal Cutter, was justified; and if not, to what relief is he entitled?
- (2) Whether the transfer of the following 18 workmen from Birly Pit was justified. If not, to what relief are they entitled?
 1. Chintala Veeram.
 2. Nomasi Veeram.
 3. Nimmala Narasimhulu.
 4. Gali Lachulu.
 5. Bathraj Ramulu.

6. Jogam Raghavalu.
7. Pittala Sailu.
8. Domala Mallaiiah.
9. Botike Iyly.
10. Bandela Vceramallu.
11. Bangaru Sammulu.
12. Goalla Mallaiiah.
13. Sadula Laxmaiah.
14. Guntuka Mallu.
15. A. D. Ekambaram.
16. Bestha Mallu.
17. Thadeboina Komaraiah.
18. Patha Malliah.

Issue No. 2.—This issue relates to the transfer on 9th November 1958 by the management of the 18 workmen named in the reference from the Birly Pit where they were working on the surface as banksmen to other jobs underground in the Pit. The management's case was that this transfer was a *bona-fide* one as the Birly Pit has been in the gradual process of closing down for the past one year, whilst the Union's main contention was that the transfer was illegal and unjustified and made with a view to victimise these 18 workmen for their Trade Union activities. However, at the hearing it was admitted that all these eighteen workmen are now working on the surface, except Sarvashri Sadula Laxmaiah and Patha Malliah (item Nos. 13 and 18 respectively of the list). The union at the hearing made a claim for wages for these workmen from 12th to 26th November 1958, when it alleged these workmen were not given employment. These allegations were denied by the management. With regard to Sarvashri Sadula Laxmaiah and Patha Malliah the management stated that they were working underground since July 1959 at their own request. The management also denied that it did not employ any of these workmen during the period stated by the union or that it was liable to pay any compensation to any of these workmen in respect thereof.

After hearing the submissions of the parties I suggested to the management that in satisfaction of the claim in issue No. 2 it should pay to each of these 18 workmen compensation equivalent to two days' wages and I am glad to say that the management, as also the union have accepted this suggestion. With regard to Sarvashri Sadula Laxmaiah and Patha Malliah I suggested to the management that they should be transferred to work as bank mazdoors on the surface in the Rudriampur Division of the Singareni Collieries provided they apply for such transfer to the management with the endorsement of the Union. I am glad to say that both parties have also accepted this suggestion, and I accordingly direct that on Sarvashri Sadula Laxmaiah and Patha Malliah applying to the management with the endorsement of the Union by the second week of March 1960 for transfer as Bank Mazdoors on the surface in the Rudrampur Division of the Singareni Collieries the management shall so transfer them and I make an award on issue No. 2 in terms stated above.

With regard to issue No. 1, after I had heard the submissions of the parties on 18th February 1960, they applied for time to negotiate for a settlement and I therefore adjourned the hearing of the dispute to 5th March 1960. In the meantime, I have received from the parties the terms of settlement reached between them which are recorded in the correspondence which has passed between the management and Shri Perka Durgiah. The management has agreed to employ Shri Perka Durgiah as a new employee on his giving an apology for his behaviour with the Manager, Andrews Incline No. 2 on 8th September 1958 which led to his dismissal from service and he has prayed that he may be excused for the same and be given employment in any of its mines in Kothagudium as a new employee. The terms on which Shri Perka Durgiah is to be re-employed are recorded in Shri Durgiah's letter to the management, dated 27th February 1960 which has been endorsed by the General Secretary of the Andhra Pradesh Coal Mines Workers' Federation. The terms have been accepted by the management's letter to Shri Perka Durgiah, dated 29th February 1960. I, therefore, make an award on issue

No. 1 under reference in terms of the settlement reached between the parties as recorded in the said correspondence.

There will be no order as to costs.

(Sd.) SALIM M. MERCHANT,
Presiding Officer,
Central Government Additional Industrial Tribunal,
Bombay.

[No. 1/8/59-LRII.]

S.O. 693.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Delhi, in the industrial dispute between the employers in relation to the Hindustan Commercial Bank Limited, Kanpur and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DELHI

PRESENT:

Shri E. Krishna Murti, Central Government Additional Industrial Tribunal,
17th February, 1960.

I.D. No. 603 of 1959.

BETWEEN

The employers in relation to the Hindustan Commercial Bank Limited, Kanpur,

AND

Their workmen.

Shri Onkar Nath—for the management.

Shri V. N. Sekhri—for the workmen.

AWARD

By G.O. No. LR-II-10(90)/59, dated the 20th November, 1959, the industrial dispute, between the employers in relation to the Hindustan Commercial Bank Limited, Kanpur, and their workmen has been referred to this Tribunal for adjudication under Sections 10(1) (d) and 12(5) of the Industrial Disputes Act, 1947.

2. The term of reference is as follows:—

Whether Shri L. N. Chowdhry, who retired from the service of the Hindustan Commercial Bank Limited, Kanpur, as an Assistant Accountant during December, 1954, was a "workman" within the meaning of section 2(s) of the Industrial Disputes Act, 1947, as it then stood, and, if so, whether he is entitled to payment of gratuity under the Award of the All India Industrial Tribunal (Bank Disputes) constituted by the notification of the Government of India in the Ministry of Labour No. S.R.O. 35, dated the 5th January 1952 as modified by the decision of the Labour Appellate Tribunal in the manner referred to in Section 3 of the Industrial Disputes (Banking Companies) Decision Act, 1955 (41 of 1955)?

3. It is alleged on behalf of the workmen, that Shri L. N. Chowdhry was a workman of the Hindustan Commercial Bank Ltd., that he was a permanent employee, that he retired from service on 2nd December 1954, that he is entitled to gratuity equivalent to 9 months' pay, according to the directions in the Sastry Award, and that the Bank has deprived him of this gratuity.

4. The contention on behalf of the Bank is, that Shri L. N. Chowdhry retired from service on 2nd December 1954, on attaining the age of superannuation, that he was not a workman, that he was an officer, and that he was not entitled to recover the gratuity, as claimed.

5. Both parties have agreed, that the issue is as in the term of reference.

6. In this dispute between the employers in relation to the Hindustan Commercial Bank Limited, Kanpur (hereinafter referred to as the Bank) and their workmen, the important point for decision is, whether Shri L. N. Chowdhry is a "workman", within the meaning of Section 2(s) of the Industrial Disputes Act.

7. It is common ground, that Shri Chowdhry who was in the service of the Hindustan Commercial Bank Limited joined the service of the Bank on 2nd July 1943, and that he was retired from service on 2nd December 1954, on the ground, that he reached the age of superannuation.

8. The contention on behalf of the workman is, that he is entitled to recover gratuity, in accordance with the provisions in the Sastry Award, contained in Item No. 14, Chapter XIX. It is admitted, that the Bank is a C Class Bank. The case of the workman is, that he is entitled to recover 9 months' pay towards gratuity. It is alleged in the statement filed on behalf of the Bank, that he was getting Rs. 400 at the time of retirement.

9. The contention on behalf of the Bank is that Shri L. N. Chowdhry is not entitled to get the gratuity claimed, because he was not "a workman" at all, but was an officer. It is alleged by the Bank, that he was in fact appointed as an officer, that he was throughout his career an officer, and that he also retired as such. It is important to note, that he retired on 2nd December 1954. The question is, whether he was "a workman" according to the definition of the said term, in the Industrial Disputes Act, as it then stood.

10. In the old Act the definition of workman was as follows:—

"Workman" means any person employed (including an apprentice) in any industry to do any skilled, manual, or clerical work, for hire or reward, and includes for the purpose of any proceeding under this Act in relation to an industrial dispute, a workman discharged during that dispute, but does not include any person employed in the naval, military, or air service of the Government."

11. It is the case of the workman, that, before he joined the Hindustan Commercial Bank Ltd., he was working as Stenographer in the Central Bank of India, drawing about Rs. 190 per month. An affidavit has been filed on his behalf, alleging, that he worked in various capacities in the Hindustan Commercial Bank Ltd., namely as Godown Inspector, Officer-in-charge, Superintendent, Stationery Department, and Assistant Accountant, without any directional or controlling power. The contention on behalf of the Bank is, that he was appointed as an officer, that he worked as an officer during the entire tenure of his service, that his duties were mainly managerial, and administrative, and not clerical and manual and that, therefore, he was not a "workman" within the meaning of the Act.

12. It is perfectly well settled, that the mere designation of the employee in question is not conclusive. The duties, which he was discharging, afford the true test, as to his status. In proof of the workman's case, that he was doing duties, which were mainly clerical, an affidavit has been filed, to show, that he was discharging the duties set out in paragraph 7 of the said affidavit. A number of documents have been produced on behalf of the Bank in support of their contention, that the duties performed by Shri Chowdhry during the entire period of his office till his retirement were those mainly of a managerial and administrative character, and that he was not a "workman" at all.

13. It is clear from the evidence, that at the outset Shri L. N. Chowdhry was appointed as an Inspector of Godowns. Ext. M/1 is the service record of Shri Chowdhry. It is mentioned therein at the end, that he joined on 2nd July 1943 as an officer at Lucknow. He worked upto 5th July 1945 to 6th November 1946, and Exts. M/2-7 relate to the period when he was Sub-Agent at Barabanki. It shows, that he was granting loans, advances, and over-drafts and also recommending the same to the District Manager. Exts. M/5, 6 and 7 are applications for leave from the employers and they establish that it was Shri Chowdhry, who was granting leave to the other employees in the Branch. Even in the affidavit filed on behalf of the employee on 6th January, 1960, it is alleged in paragraph 10, that for more than 11 years in the Bank, except for 16 or 17 months, when posted as Sub-Agent, Shri Chowdhry worked in various capacities. This betrays a consciousness on the part of Shri Chowdhry, that he was not a

workman for a period of 16 or 17 months, when he was working as Sub-Agent of the Bank at Barabanki. I find that he was exercising managerial and administrative and supervisory duties during the period of service as Sub-Agent of the Bank at Barabanki, and that his duties were not clerical or manual.

14. Nextly, it is clear from the evidence, that he worked as Superintendent of the Stationery Department in the Head Office. Ext. M/8 relates to the year 1949, calling for quotations from the proprietor, Star Press, for binding of leather bound ledgers. Ext. M/9 is a copy of the letter dated 19th January, 1949, addressed to the proprietor, Star Press. The Stationery Superintendent wrote, that an order was placed with them, for printing and making pads, and that the said order should be executed and the supply made at a very early date. Ext. M/10 is dated 21st October, 1948, and is addressed to the Calcutta Photo Type Company, Chowringhee, Calcutta. Therein Shri Chowdhry took exception to a firm of such repute not maintaining proper records, and informed the company, that, unless and until satisfactory documentary proof was produced, no settlement, with regard to the demand for payment claimed in connection with certain ledgers, was possible. Ext. M/11 is dated 2nd December, 1948, and therein the proprietor of a Printing Press was called upon to meet the undersigned, i.e. Shri Chowdhry, in connection with certain printing work. Ext. M/12 is a note, giving the names, and duties of the staff of the Stationery Department under the signature of Shri Chowdhry, dated 30th September, 1948. He expressed his opinion, that each of the employees had full work, and that the strength of the staff was just enough to carry on the work. The duties of the clerks, peons, and the carpenter are set out therein.

15. The above documents show beyond doubt that Shri Chowdhry was really exercising mainly administrative and managerial and Supervisory duties as Superintendent of the Stationery Department in the Head Office. He was not a mere clerk doing clerical duties. On the other hand, he was exercising directional and controlling power. He was incharge of printing work, and was carrying on correspondence with Printing Presses in the matter of printing work, and binding work and was independently dealing with them in regard to the work of the Bank. I find that during this period, when he was Superintendent, Stationery Department, at the Head Office at Kanpur, i.e., from 6th November, 1946 to 28th April, 1953, Shri Chowdhry was not a "workman".

16. Nextly, he became a relieving officer of the Bank from 28th April, 1953, and he continued as such till he took leave preparatory to retirement. It is admitted, that he was on leave for a short period from October till he retired. He was on leave from 8th October, 1954 to 1st December, 1954, and retired from 2nd December, 1954. There is no doubt of the fact, that, while he was Relieving Officer, he was also doing mainly administrative, managerial, and supervisory duties. It has been alleged on behalf of the workman, that he worked as an Assistant Accountant. There is no satisfactory proof of the same. It has been argued, that he worked in place of Shri Manohar Lal. The contention on behalf of the Bank is that Shri Manohar Lal was at Kanpur Branch in May 1953, when Shri Chowdhry was attached to the said Branch, as Relieving Officer, and that both Sarvashri Manohar Lal and Chowdhry worked at Kanpur Branch simultaneously. Ext. M/15 is a certificate dated 17th August, 1953, is signed by Shri Chowdhry, after inspection. Ext. M/16 dated 17th August, 1953, is signed by Shri Chowdhry as Relieving Agent, and it is mentioned therein, that Shri Chowdhry had taken over from Shri Shukla the charge of Gorakhpur Branch. This refers to the certificate, Ext. M/15, granted by Shri Chowdhry. Ext. M/17 is a letter from the Head Office intimating, that Shri Chowdhry would be deputed to work in place of Shri Shukla. Ext. M/18 shows, that Shri Chowdhry was posted in place of Shri M. P. Singh, Sub-Agent in the Branch at Padrauna.

17. An examination of the documentary evidence produced on behalf of the Bank establishes beyond any doubt, that Shri Chowdhry was exercising duties mainly of a managerial, administrative, and supervisory nature throughout his service in the Bank. He was an Officer of the Bank, and not a mere workman, whether he worked as Inspector of Godowns or Sub-Agent Barabanki, or as Superintendent of Stationery Department at Head Office, Kanpur, or as Relieving Officer of the Bank. He was incharge of sub-branches, and acted as Sub-Agent. He was not doing the duties of an Assistant Accountant, as alleged on behalf of the workman. The documents produced on behalf of the workman are not, in my opinion, sufficient to out-weigh the conclusion reached above. Ext. W/2 is a copy of the letter from the Under Secretary to the Government of India to the Chief Labour Commissioner, dated 22nd April, 1956, wherein it was alleged, that,

in the opinion of the Government, the case of Shri Chowdhry had not been considered fit for reference to a tribunal for adjudication. Ext. W/3 is a mere copy of Ext. W/2. Exts. W/4 and 5 are copies of certain decisions, but they are distinguishable on the facts of this case. On the other hand, we have Ext. M/21, which is a copy of a decision of the Labour Appellate Tribunal, wherein it was found, that the employee in question, Shri L. N. Seth was not a workman. As I have pointed out above, it was laid down therein, that it is the nature of the duties performed which matters. What is to be determined is the primary nature of the work done by the employee concerned. It was found in that decision that essentially and primarily the duties of Shri Seth were of supervision of the work done by the persons under him, and that, therefore, he was not a workman.

18. It is also pointed out on behalf of the Bank, that apart from the duties, which Shri Chowdhry was discharging, the fact, that he was only an officer, is also borne out by the circumstances that he started on a substantive salary of Rs. 225 per month, and that at the time of retirement he was drawing Rs. 400 per month. He was getting house rent allowance of Rs. 20, which was the allowance allowed to officers only, and he drew this throughout his service. The further contention on behalf of the Bank is, that the rate of dearness allowance drawn by him was the same as of officers, and not that applicable to workmen.

19. Taking all circumstances into consideration, and the evidence on record, I find, that Shri L. N. Chowdhry was performing duties mainly of a managerial, administrative, and supervisory character throughout his service in the Hindustan Commercial Bank Ltd. He was not a "workman" within the meaning of the definition in Section 2(s) of the Industrial Disputes Act, as it stood in December, 1954. In view of my finding above, he is not entitled to recover gratuity according to the provisions of the Sastry Award in Item No. 14, Chapter XIX. He is not entitled to any relief in this proceeding.

20. In the result, an award is passed as follows:

- (i) Shri L. N. Chowdhry, who retired from the service of the Hindustan Commercial Bank Limited with effect from 2nd December, 1954, was not a "workman" within the meaning of Section 2(s) of the Industrial Disputes Act, 1947, as it then stood, that he is not entitled to the payment of gratuity, according to the provisions of the Bank Award, and that he is not entitled to any relief in this proceeding.

- (ii) There will be no order as to costs.

(Nine pages).

The 17th February, 1960.

(Sd.) E. KRISHNA MURTI,

Central Government Industrial Tribunal, Delhi.

[No. LRII-10(112)/59.]

New Delhi, the 14th March 1960

S.O. 694.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relating to Messrs. Indian Iron and Steel Company Limited, Gua Ore Mines, Gua, and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

Reference No. 47 of 1959.

PARTIES:

Employers in relation to Messrs. Indian Iron & Steel Co. Gua Ore Mines, Gua,

AND

Their workmen employed through their petty contractors.

PRESENT:

Shri G. Palit, M.A.B.L., Chairman, Central Govt. Industrial Tribunal, Dhanbad.

APPEARANCES:

For the Employers—

Shri M. C. Addy, Group Labour & Welfare Superintendent, Indian Iron & Steel Co. Ltd.

For the workmen—

Shri D. C. Verma, Assistant Secretary, Gua Mine Workers Union.

Dhanbad, the 29th February 1960.

State: Bihar.

Industry: Iron & Steel.

AWARD

The Government of India, Ministry of Labour & Employment, by Order No. L.R. II-64(33)/58 dated the 4th July 1959 made in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (XIV of 47), referred to Shri Salim M. Merchant for adjudication the industrial dispute between the parties above named. But as his service was found to be not available and also for convenience of the parties and quick disposal, the Central Government withdraw the proceedings in relation to the said dispute under Section 33B(1) of the said Act and referred the same to me as Industrial Tribunal at Dhanbad by its Order No. 4/47/59-LRII dated 13th January 1960. The issue which was referred in the schedule to the said order of reference stands as follows:—

"Whether the workmen employed through the petty contractors of Messrs. Indian Iron & Steel Co., at Gua, Chiria and Manoharpur are entitled to the same rates of wages, bonus, holidays and leave facilities as are enjoyed by the workmen employed through the raising contractors of the said Company, and if so, whether the management of Messrs. Indian Iron & Steel Co. or the petty contractors shall be responsible for granting them to the workmen."

2. After the usual notices to the parties the union filed written statement on 18th August 1959. Another written statement was filed by the other union on 27th August 1959. The petty contractors submitted written statements on different dates. The Indian Iron and Steel Company Limited filed its written statement on 9th September 1959. After several adjournments the case was taken up for hearing on 20th January 1960 when it was opened. It was adjourned to 9th February 1960 when some of the witnesses were gone into. Finally, it was heard on 22nd February 1960 when the evidence was concluded and the argument was heard. The award was reserved.

3. It is the contention of the workmen that the Indian Iron and Steel Co. Ltd. owned and operate iron ore mines at Gua and Chiria, in the District of Singhbhum (Bihar). The company despatched iron ore output of Chiria Ore Mines through Manoharpur to the South Eastern Railway for the Burnpur and Kulti Works of the Company. The company raised iron ore from their mines at the aforesaid places through the raising contractors. The company managed the maintenance of those mines with ancillary jobs through some persons generally termed "Petty Contractors." These petty contractors undertook all sorts of jobs that were required in the operational process, maintenance, and services of the ore mines. They supplied the number of labour required by the company to cover up absenteeism of regular employees and also for doing their repair work. These workmen were given rations facilities at concessional rates and also dearness allowance through the petty contractors. An agreement was reached between the raising contractors and the union regarding the payment to such contractors' labour of annual bonus, leave with full pay, sick leave and payment for Independence Day and Republic Day with effect from April 1956. The workmen of the petty contractors are also claiming the same privileges on par with the workmen in the employ of the raising contractors.

The petty contractors do not seriously contest the claim provided the company agrees to reimburse them for making such payments. So practically they have faded out of the picture during the trial.

4. The company contends that these workmen are petty contractors' workmen. There is no relationship of master and servant between the company and them. The company is under no liability to pay them those privileges.

5. Here the matter raised by the issue seems to be simpler than what is ordinarily met with in such cases where the point canvassed for determination is whether particular men are contractors' or workmen under the company. Here it is practically admitted that the workmen in question are under the petty contractors. These contractors do not deny that they are independent contractors. It is not their case that they recruited those labour as intermediaries or as agents of the company. It is not contended nor is it in evidence that these petty contractors did any work with their own hands under the company. Their Lordships of the Hon'ble Supreme Court in the case of Dharangadhra Chemical Works Limited and State of Saurashtra and others reported in 1957-I-L.L.J. p. 477 at page 481,

"The broad distinction between a workmen and an independent contractor lies in this that while the former agrees himself to work, the latter agrees to get other persons to work. Now a person who agrees himself to work and does so work and is therefore a workman does not cease to be such by reason merely of the fact that he gets other persons to work along with him and that those persons are controlled and paid by him. What determines whether a person is a workman or an independent contractor is whether he has to work personally or not."

The position is also summarised in Halsbury's Laws of England, Vol. 14, pp. 651-652:

"The workman must have consented to give his personal services and not merely to get the work done, but if he is bound under the contract to work personally, he is not excluded from the definition simply because he has assistance from others, who work under him."

6. In this case before me I find that works order has been issued to these petty contractors. After the work was finished they presented bills which were checked by the company's men and then the payment was made to the petty contractors. It is the petty contractors who made the ultimate payment to the workmen concerned. There is no evidence that the petty contractors did any manual work with their own hands. So it cannot be argued namely that the workmen in question were merely the co-workers of the petty contractors *vis-a-vis* the company. Their Lordships in the above case also pointed out the difference between the contract of service and contract for service. In the case of contract for service all that the master can order or require is what is to be done, while in the contract of service he cannot only order or require what is to be done but how it shall be done. It is only in the case of contract of service the relationship of master and servant exists. Their Lordships confessed that it was impossible to lay down any rule of law distinguishing the contract of service and contract for service. It was a question of fact to be decided by all the circumstances of the case. The greater the amount of direct control exercise over the persons rendering the services by the person contracting for them, the stronger was the ground for holding it to be a contract of service. Similarly the greater the degree of independence of such control, the greater was the probability that the services rendered were of the nature of contract for services, and that the contract was one for services. The petty contractors do not dispute that their's was contract for service. In the particular case before me I find that the petty contractors had their supervisors, their clerks, etc. to record attendance. It is they who made the payment of wages to the workmen concerned. The company's men, of course, saw whether the work was done according to the specification but the rest of it was in the hands of the petty contractors or their men. It is the petty contractors who meted out punishment or took disciplinary action against delinquent workmen under them. The company's men might have suggested the punishment but that does not mean that the direction was with the company. The union tried to show that the company discharged the workmen under the petty contractors. I cannot see my way to accept this position when I am told that the discharge was verbal and no charge sheet was issued. Now a days a company, not to speak of a big company like the one before me, can discharge summarily without any charge sheet. So considering the matter in all its aspects, I am unable to hold that the workmen employed by the petty contractors can by any stretch of imagination be brought within the category of workmen in the employ of the Indian Iron and Steel Co. Ltd. They were purely workmen under the petty contractors. The mere fact that they were given dearness allowance or that they submitted to medical examination before they were finally accepted for employment by the petty contractors at the instance of the company, cannot make them workmen under the company. This being the position, there can be no relationship between the workmen on the one hand and the company on the other, such that any claim for these privileges can be laid at the door of the company. Because the workmen in the employ of the raising contractors were given certain preferential benefits by the company that cannot make the same available to the workmen in question because they were serving not under the company but under the petty contractors. The reason for such differentiation is also sound. The work under the raising contractors is continuous without any break while in the case of the workmen in question under the petty contractors, the workmen had breaks when there was no work for them. The work of raising contractor is an integral part of the working of the mine. The work done by petty contractors is not so. So the benefits received by the two sections of workmen are bound to vary. It was also held

by the Labour Appellate Tribunal of India, Lucknow Bench, in Sri Goenka Mills case reported in 1954-I-L.L.J.p. 149:

"Reading the definition in Section 2(k) and (s) of the Act together, it is clear that the workmen must be employed for hire or reward and such hire or reward must be fixed under a contract between the employer and the employee for an industrial dispute could be raised by the workman only if there be any difference regarding employment or non-employment or terms of employment and conditions of labour. It is thus evident that the workman must be "employed" by the employer who could be liable for contravention of any of the matters enumerated in Section 2(k) of the Act. The Act clearly excludes from its purview a worker employed through contractors and contemplates direct recruitment of labour. Section 2(s) read by itself is open to the construction that the employment of workers might be even indirectly through contractors, for the definition does not show by whom the workman must be "employed". But such construction is clearly excluded on a reference to the definition of "industrial dispute"."

7. So the legal position is clear that there can be no industrial dispute between the workmen in the present case and the Indian Iron and Steel Co. Ltd. on the other, because the relationship of master and servant is wanting. The workmen must be employed by the company, otherwise no industrial dispute can arise between them. So in that view of the matter the reference is bound to be adjudged as an invalid one strictly construed. At all events, the reliefs that have been claimed cannot be maintained in such circumstances.

8. Another point may be urged namely, that when the petty contractors have not seriously contested the workmen's claim, why the reliefs cannot be granted against them. But that also cannot be upheld. The petty contractors have conceded their objection only on the ground that they are reimbursed by the company for any payment that they may be asked to make to the workmen in question under these heads. This Tribunal having found that the company has no liability in the matter, it cannot fasten the petty contractors with such liability on admission. An admission in law cannot be dissected. If it is to be taken it is to be taken as a whole. So the case against the petty contractors also cannot be sustained. In the case of raising contractors' men the contractors agree to pay only when the payment was made by the company. But here the position is altogether different. So even on an analogy of the raising contractors the present claims cannot succeed against the petty contractors. So the issue is answered against the workmen in the present case. I make no order as to costs.

(Sd.) G. PALIT, Chairman,
Central Govt. Industrial Tribunal,
Dhanbad.

DHANBAD;
The 29th February, 1960.

[No. 64/33/58-LRII.]
S. N. TULSIANI, Under Secy.

New Delhi, the 12th March, 1960

S.O. 695.—The following draft of a further amendment of the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956, which the Central Government proposes to make in exercise of the powers conferred by sub-section (i) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 20th April 1960.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

Draft Amendment

In the said Scheme, after clause 49, the following clause shall be inserted, namely:—

"49A. Power of Revision of the Chairman and the Deputy Chairman.

Notwithstanding anything contained in this Scheme, the Chairman, in the case of an order passed by the Deputy Chairman, under clause 45, or the Deputy Chairman, in the case of an order passed by the Personnel Officer under the said clause, may, at any time, call for the record of any proceeding in which the Deputy Chairman or the Personnel Officer has passed the order, for the purpose of satisfying himself as to the legality or propriety thereof and may pass such order in relation thereto as he thinks fit:

Provided that the Chairman or the Deputy Chairman shall not pass an order under this clause prejudicially to any person without giving him a reasonable opportunity of being heard."

[No. Fac.174(7)/59.]

New Delhi, the 15th March 1960

S.O. 696.—In pursuance of clause (d) of sub-paragraph (1) of paragraph 3 of the Employees' Provident Funds Scheme, 1952, the Central Government hereby nominates Shri R. S. Pande, Agent, Tata Iron and Steel Company Limited, Jamshedpur, as a member of the Board of Trustees (Central Board) *vice* Shri R. H. Mody who has resigned and makes the following further amendment in the notification of the Government of India in the Ministry of Labour No. SRO 1861, dated the 31st October, 1952, namely:—

In the said notification, for entry No. 9, the following entry shall be substituted, namely:—

"9. Shri R. S. Pande, Agent, The Tata Iron and Steel Company Limited, Jamshedpur".

[No. 10(10)/60-PF.II.]

P. D. GAIHA, Under Secy.

MINISTRY OF INFORMATION & BROADCASTING

ORDER

New Delhi, the 11th March 1960

S.O. 697.—In exercise of the powers conferred by section 6 of the Cinematograph Act, 1952 (37 of 1952), the Central Government hereby directs that:—

- (1) on and from the 1st April 1960, the film entitled "ADALAT" (HINDI) in respect of which "U" Certificate No. 25781 dated 5th November 1958, has been granted to M/s. Kwatra Films, Bombay, shall be deemed to be a film in respect of which an "A" Certificate has been granted, and
- (2) the sequences specified in the Schedule to this Order shall be excised from all copies of the film and the certificate granted in respect of the film shall be produced before the Board of Film Censors for necessary amendment thereof by the 31st March 1960.

SCHEDULE

Reel No.

5. The sequence of assault on Nirmala by Kedarnath should be reduced to the minimum necessary for continuity. It may be shown that Kedarnath catches her hand and pulls her. Kedarnath removes his mask and his spectacles and assaults her and she cries for help. Kedarnath looks out of the window when police siren is heard. This much may be retained.
6. The scene of Kedarnath supplicating Nirmala and chasing her after she has been thrown out of the house by her aunt should be reduced to the minimum.

[No. 9/14/59-FC.]

D. R. KHANNA, Under Secy.